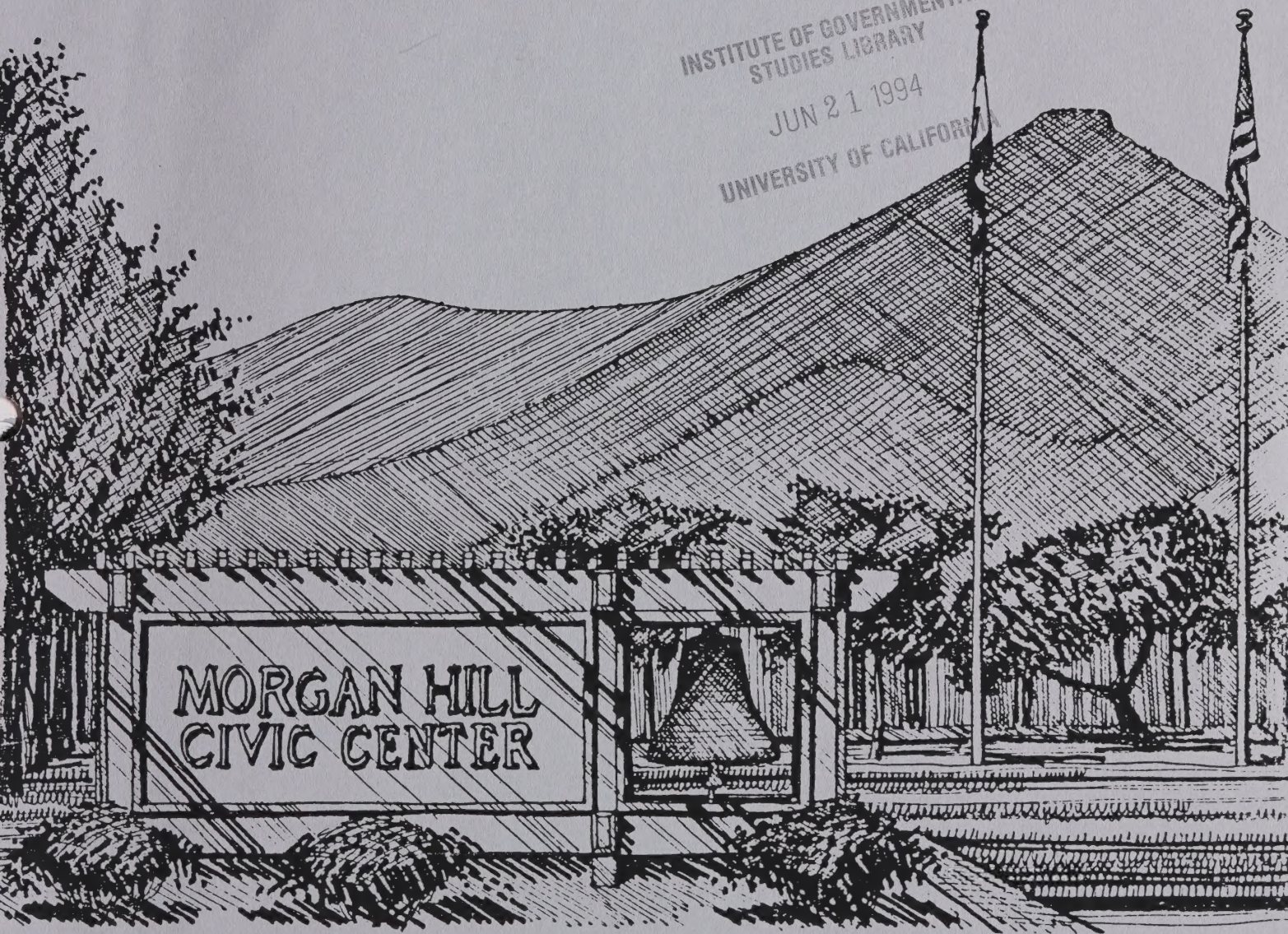


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PLANNING AND ZONING CODES

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City of Morgan Hill
1993

CITY OF MORGAN HILL

PLANNING AND ZONING CODES

**UPDATED NOVEMBER 1993
(Ordinance 1152)**

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PLANNING COMMISSION

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DIVISION I. ZONING CODE

Chapter 18.02

GENERAL PROVISIONS

Sections:

- 18.02.010 Title for citation--Interpretation of provisions.
- 18.02.020 Adoption of documents--Contents.
- 18.02.030 Purpose of provisions.
- 18.02.040 Prior rights and actions.
- 18.02.050 Title provisions not exclusive--Resolution of conflicts.
- 18.02.060 Other city regulations applicable.
- 18.02.070 Conformity with provisions required--Exceptions.
- 18.02.080 Public noticing.
- 18.02.085 Other Noticing Requirements.
- 18.02.090 Property owner consent.

18.02.010 Title for citation--Interpretation of provisions.

The ordinance codified in Division I of this title shall be known and cited as the "City of Morgan Hill Zoning Ordinance." Its provisions shall be strictly interpreted and applied as minimum requirements of public concern for the orderly development and use of land, improvements and structures in the city. (Ord. 559 N.S. § A (part), 1981)

18.02.020 Adoption of documents--Contents.

There is adopted a zoning ordinance and zoning diagram (map), incorporated in this Division I of this title by reference, for the city of Morgan Hill, California. The ordinance codified herein is adopted to promote and protect the public health, safety, convenience and general welfare. It consists of the establishment of zoning districts, including therein all the territory within the boundaries of the city within which districts it shall be unlawful to erect, construct, alter or maintain buildings or uses of land which are not in conformance with the requirements and standards established in this title.
↙(Ord. 559 N.S. § A (part), 1981)

18.02.030 Purpose of provisions.

The purpose of these regulations is to guide the growth of the city in an orderly manner, based on the adopted General Plan, and to protect the public health and general welfare by regulating the use of land and buildings, space between buildings, height and bulk of buildings, and by requiring the provision of off-street parking facilities, landscaping, and other necessary site improvements. (Ord. 559 N.S. § A (part), 1981)

18.02.040 Prior rights and actions.

The enactment of the ordinance codified in Division I of this title shall not terminate or otherwise affect variances, permits or other adjustments authorized under the provisions of any ordinance repealed by the ordinance codified herein, nor shall any violation of such ordinances be excused. (Ord. 559 N.S. § A (part), 1981)

18.02.050 Title provisions not exclusive—Resolution of conflicts.

It is not intended by Division I of this title to impair or interfere with other regulations of effective state or local law, or with private restrictions on the use of land, improvements and structures. Where Division I of this title imposes a greater restriction than that imposed by other law or by private restrictions, Division I of this title shall control. (Ord. 559 N.S. § A (part), 1981)

18.02.060 Other city regulations applicable.

This Division I of Title 18 is intended to be consistent with and complement other city regulations, including but not limited to the sign ordinance, the design review ordinance, the floodplain ordinance, building, plumbing, electrical and fire-prevention codes, and subdivision regulations; and in all cases of doubtful interpretation or possible conflict, the proper interpretation of this chapter is that which favors consistency with other regulations. (Ord. 559 N.S. § A (part), 1981)

18.02.070 Conformity with provisions required—Exceptions.

A. No structure shall be erected, reconstructed, relocated or structurally altered to have a greater height or bulk, or to cover a greater proportion of the lot upon which it is situated under the limitations set forth in Division I of this title for the district in which such structure is located. If such structure, at the time of the enactment of the ordinance codified in Division I of this title is nonconforming under the provisions of this division, the structure shall not be further increased in such height, bulk or building coverage, except as provided in Chapter 18.58 of this title.

B. No structure shall be erected, reconstructed, relocated or structurally altered which would result in smaller yards than permissible under the limitations set forth for the district in which such structure is located, except as provided in Chapter 18.56.

C. No yard, off-street parking space or loading space for any structure or upon any lot shall be reduced below the minimum requirements set forth for such yard, parking space or loading space. If already less than the minimum required for the district in which each is located, there shall be no further intrusion into required yard areas. (Ord. 559 N.S. § A (part), 1981)

18.02.080 Public noticing.

Review of all applications before the planning commission and appeal applications to the city council shall be provided in the manner prescribed in California Government Code Sections 65090 and 65091. (Ord. 1111 N.S. § 4, 1992; Ord. 899 N.S. § 11, 1989)

18.02.085 Other Noticing Requirements.

In addition to the public noticing requirements of Section 18.02.080, an applicant seeking approval for subdivision, site development or a conditional use permit shall post a notice of filing on the project site. The purpose of the sign notice requirement is to notify the community and the neighbors in the affected area early in the review process, allowing the applicant and the City the benefit of citizens' comments during the initial stages of project review. The posted notice shall be subject to the following requirements:

1. **Size Requirements.** The posted notice shall be one of two sizes, 4 foot by 8 foot, or 2 foot by 3 foot. The size of the notice is to be determined by the Community Development Department.

2. **Timing and Duration.** The posted notice shall appear on the project site for a minimum of 10 days prior to the date of the public hearing or project approval by the Community Development Department. The posted notice shall be maintained, and remain on the project site until after the City renders a decision on the project. The hearing notice shall be removed from the project site within 7 days after the City has rendered a final decision on the project, although the portion of the sign which does not mention the hearing may remain to identify the project.

3. **Standard Notice Requirement.** The posted notice shall contain a general description of the project, the file number of the project, the applicant's name and a contact number for additional information regarding the project and shall be consistent with standards established by the Community Development Department.

4. **Additional Information.** The applicant may expand upon or reword or redesign the sign message and format to explain the project in his or her own words, subject to approval of the text by the Community Development Department. (Ord. 1134 N.S. § 1, 1993)

18.02.090 Property owner consent.

Except for those actions initiated by the city, all applications for review under this title shall be accompanied by written consent of the property owner. (Ord. 899 N.S. § 19, 1989)

Chapter 18.04

DEFINITIONS

Sections:

18.04.005	Definitions and interpretation of language.
18.04.010	Abutting.
18.04.015	Accessory use or structure.
18.04.017	Administrative office.
18.04.018.1	Adult arcades.
18.04.018.2	Adult business.
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18.04.018.4	Adult cabaret.
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18.04.018.6	Adult hotel/adult motel.
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18.04.020	Agent of owner.
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18.04.065	Building, height of.
18.04.070	Building, main.
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18.04.225	Home occupation.
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18.04.235	Kennel.

MORGAN HILL
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ZONING CODE

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18.04.005 Definitions and interpretation of language.

For the purpose of Division I of this title, the words and phrases set forth in this chapter shall have the meanings respectively ascribed to them herein, and the word "used" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used. (Ord. 559 N.S. § A (part), 1981)

18.04.010 Abutting.

"Abutting" means land having a common property line or district line, or separated only by a private street, alley or easement. (Ord. 559 N.S. § A (part), 1981)

18.04.015 Accessory use or structure.

"Accessory use or structure" means a use or structure subordinate to or part of the principal use on the same lot, and serving a purpose customarily incidental to the principal use. Guest houses, caretakers or granny units are not considered accessory uses or structures. (Ord. 1055 N.S. § C (part), 1991; Ord. 559 N.S. § A (part), 1981)

18.04.017 Administrative office.

"Administrative office" means offices and service facilities performing as headquarters; regional, or other level management and administrative services for firms and institutions. (Ord. 899 N.S. § 1 (part), 1989)

18.04.018.1 Adult arcades.

"Adult arcades" means any place to which the public is permitted or invited, wherein coin-operated, currency operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, television sets,

monitors, receivers, transmitters, video cassette players or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas." (Ord. 1150 N.S. § 2 (part), 1993)

18.04.018.2 Adult business.

"Adult Business" means a business which includes any of the following: sells or rents items related to "specified anatomical areas" or "specified sexual activities" for over twenty percent of the year, and which items represent over twenty percent of the inventory or stock in trade or titles offered or floor space and/or over twenty percent of the net receipts of the business whichever is greater; depicts or projects still or moving photographs related to "specified anatomical areas" or "specified sexual activities" for over twenty percent of the year, which depiction or projection represents over twenty percent of the net receipts of the business; or provides live entertainment, massage or other service to patrons, regardless of percentage of net receipts or other measurement of share of the overall business, which is related to "specified anatomical areas" or "specified sexual activities".

1. Partial listing of types of adult businesses.

"Adult businesses" include but are not limited to: adult bookstores, adult video stores, adult novelty stores, adult arcades, adult motels, adult theaters, adult entertainment enterprises, adult cabarets, escort agencies, massage parlors, nude modeling studios; or places which engage in or allow couch dancing, topless dancing, nude or semi-nude mud wrestling or similar businesses.

2. Exceptions.

The following types of businesses which are regulated by state or professional agencies or which have only incidental services or products which could be associated with "adult businesses" are exempt from the provisions of this ordinance:

a. Therapeutic or holistic massage. Massage which is conducted by doctors, nurses, osteopaths or chiropractors, teachers, barbers, beauticians or by massage technicians which have received at least one hundred hours of instruction and supervised training at recognized massage schools or who have been licensed in massage by the state, is exempt.

B. Medical or psychological therapies. The medical or psychological therapeutic activities of state-licensed doctors, psychologists, psychiatrists or marital or sexual therapists are exempt.

C. Modeling or theatrical performances. Nude modeling done at infrequent intervals in connection with a college or art school, accredited by a nationally recognized accreditation organization, for students who have enrolled on a semester or quarterly basis with tuition is exempt. Occasional theatrical performances, either live or in motion picture theaters, in which "nudity" is incidental to the content of the presentation, are exempt.

D. Incidental sale or rental of merchandise. Businesses which incidentally sell or rent adult merchandise, involving less than twenty percent of the floor space of the establishment or less than twenty percent of the net receipts, whichever is greater, are exempt, providing that all other laws on obscenity and indecent behavior are complied with.

E. Private non-commercial behavior. This section does not regulate the private behavior of adults, which is otherwise permitted by law, where there is no payment, gratuity, exchange of labor or goods, or other consideration of a transaction. (Ord. 1150 N.S. § 2 (part), 1993)

18.04.018.3 Adult bookstores.

"Adult bookstores" means any premises in which twenty percent or more of the titles offered or to which twenty percent or more of the actual display area of the store is devoted books, magazines, periodicals or merchandise which depict or describe specified sexual activity. (Ord. 1150 N.S. § 2 (part), 1993)

18.04.018.4 Adult cabaret.

"Adult cabaret" means a nightclub, bar, restaurant or similar commercial establishment which regularly features: (a) persons who appear in a state of nudity; (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or (c) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by a depiction or description of "specified sexual activities" or "specified anatomical areas." (Ord. 1150 N.S. § 2 (part), 1993)

18.04.018.5 Adult entertainment enterprise.

"Adult entertainment enterprise" means any business activity wherein is furnished for a fee or charge or other like consideration the opportunity to paint, feel, handle, touch, to be in the presence of, be entertained by the unclothed body, or the unclothed portion of the body of another person, or to be so painted, felt, handled, touched or observed by another person, or to observe, view or photographs any such activity, and shall include but not be limited to nude encounter studios, adult or nude dance studios, adult or nude exhibitions, peep shows, nude wrestling centers and adult or nude art or photograph studios. "Unclothed portion of the body" means a state of dress so as to expose the female breast below a point immediately above the top of the areola, male or female genitals, pubic areas, buttocks or female breast with only the nipple and areola covered. The medical or psychological therapeutic activities of state-licensed doctors, psychologists, psychiatrists or marital or sexual therapists are exempt. (Ord. 1150 N.S. § 2 (part), 1993)

18.04.018.6 Adult hotel/adult motel.

"Adult hotel/adult motel" means a hotel or motel or similar commercial establishment which: (1) offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, computer software, slides or other photographic reproductions which are characterized by the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television; (2) offers a sleeping room for rent for a period of time less than ten hours; or (3) allows a tenant or occupant to sub-rent the sleeping rooms for a time period of less than ten hours. (Ord. 1150 N.S. § 2 (part), 1993)

18.04.018.7 Adult novelty store.

"Adult novelty store" means an establishment with over twenty-percent of: (a) its floor area devoted to; (b) stock-in-trade consisting of; or (c) gross revenues derived from, goods which are replicas of, or which simulate, "specified anatomical areas" or

"specified sexual activities," or goods which are designed to be placed on or in "specified anatomical areas," or to be used in conjunction with "specified sexual activities." (Ord. 1150 N.S. § 2 (part), 1993)

18.04.018.8 Adult theater.

"Adult theater" means a commercial establishment in which for any form of consideration, films, motion pictures, video cassettes, video tapes, laser discs, slides or similar photographic or electronic reproductions are regularly shown and which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," or to which minors are not admitted, or with respect to which advertising for said pictures is contained in the adult theaters sections of local newspapers, or in which on a regular basis sexual intercourse, oral copulation, masturbation, homosexual acts or other specified sexual activities are actually shown or simulated. (Ord. 1150 N.S. § 2 (part), 1993)

18.04.018.9 Adult video store.

"Adult video store" means a commercial enterprise which offers for sale or rental for any form of consideration, for over twenty-percent of titles offered or over twenty-percent of actual display area of the store, whichever is more, any one or more of the following: photographs, films, motion pictures, laser discs, video cassettes, video tapes or video reproductions, slides or other visual representations which primarily depict or describe "specified sexual activities" or "specified anatomical areas." (Ord. 1150 N.S. § 2 (part), 1993)

18.04.020 Agent of owner.

"Agent of owner" means any person who can show written proof that he is acting for the property owner. (Ord. 559 N.S. § A (part), 1981)

18.04.025 Agriculture.

"Agriculture" means the use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, apiaries, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, processing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities; and provided, further, that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals. (Ord. 559 N.S. § A (part), 1981)

18.04.030 Alley or lane.

"Alley" or "lane" means a public or private way not more than thirty feet wide, affording only secondary means of access to abutting property. (Ord. 559 N.S. § A (part), 1981)

18.04.035 Alter.

"Alter" means to change any of the supporting members of buildings, such as bearing walls, columns, beams or girders. (Ord. 559 N.S. § A (part), 1981)

18.04.040 Apartment vacancy rate.

"Apartment vacancy rate" means the number of vacant apartments in the city at a given time, shown as a percentage of the total number of apartments in the city. Vacant apartments include those units which are:

- A. Currently vacant and available for rent or lease;
- B. Vacant but temporarily not available for rent or lease due to painting, cleaning or repairs; and
- C. Currently occupied but will become available for rent or lease within one week. (Ord. 559 N.S. § A (part), 1981)

18.04.045 Automobile service station or gasoline service station.

A. "Automobile service station" or "gasoline service station" means a retail place of business engaged exclusively in dispensing of automotive fuel and motor oil; and may as a secondary or ancillary use engage in supplying goods and services essential to the normal operation of automobiles, such as: vehicle washing and lubricating services; the sale and servicing of tires, batteries, replacement items and other automotive accessories; minor automotive repair; and the vending of prepackaged soft drinks, cigarettes, and snack foods from automatic vending machines.

B. This definition shall not be deemed to include such things as body or fender work, painting or major automotive repairs, sales of nursery products, sales of grocery, food or beverage items, or coupon redemption for or sales of merchandise not accessory to a motor vehicle, etc.

C. Gasoline service stations may also provide a towing service limited to no more than two trucks or equipment rental, subject to use permit conditions of approval by the reviewing agency.

D. When a conditional use permit shall have been granted to authorize an automobile service station or gasoline service station on a lot, the only use permitted thereon shall be the supplying of those goods and services described in sections A and C above unless such conditional use permit expressly authorizes other uses. Permitted uses otherwise allowed in the zoning district in which a service station is located are not allowed in conjunction with a service station unless specifically authorized by a conditional use permit. (Ord. 1135 N.S. § 1, 1993; Ord. 715 N.S. § 1, 1985; Ord. 559 N.S. § A (part), 1981)

18.04.050 Automobile wrecking.

"Automobile wrecking" means the dismantling or disassembling of used motor vehicles or trailers, the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts, and the towing of such vehicles or parts in connection with such activity. (Ord. 559 N.S. § A (part), 1981)

18.04.055 Basement.

"Basement" means a story whose floor is more than twelve inches, but not more than one-half of its story height, below the average level of the adjoining ground (as

distinguished from a "cellar," which is a story more than one-half below such level). A basement, when used as a dwelling, shall be counted as a story for purposes of height measurement, and as a half-story for purposes of side yard determination. (Ord. 559 N.S. § A (part), 1981)

18.04.057 Boardinghouse or roominghouse.

"Boardinghouse or roominghouse" means a dwelling or part thereof where meals and/or lodging are provided for compensation. (Ord. 899 N.S. § 1 (part), 1989)

18.04.060 Building.

"Building" means any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side-yard requirements as provided in Division I of this title. (Ord. 559 N.S. § A (part), 1981)

18.04.065 Building, height of.

"Height of building" means the vertical distance from the average contact ground level at the front wall of the building, to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. (Ord. 559 N.S. § A (part), 1981)

18.04.070 Building, main.

"Main building" means a building in which is conducted the principal use of the building site on which it is situated. In any residential district, any dwelling shall be deemed to be a main building on the building site on which the same is located. (Ord. 559 N.S. § A (part), 1981)

18.04.071 Caretakers unit.

"Caretakers unit" means a dwelling unit accessory to a principal use on a site and intended for occupancy on the same site, as a caretaker, security guard, servant or similar position generally requiring residence on the site. (Ord. 1055 N.S. § C (part), 1991)

18.04.075 Cessation of use.

As used in Division I of this title, a use shall be deemed to have ceased when it has been discontinued, either temporarily or permanently, whether with the intent to abandon such use or not. (Ord. 559 N.S. § A (part), 1981)

18.04.080 Combining district.

"Combining district" means a district within which certain regulations and requirements apply in addition to, and are combined with, regulations and requirements of another district. (Ord. 559 N.S. § A (part), 1981)

18.04.085 Commercial.

"Commercial" means any activity on or use of land which involves the buying, selling, processing or improving of things not produced on the land, and having financial gain as the primary aim of the activity or use, whether or not such activity or use is for hire or on account of the buyer, seller, processor or improver. (Ord. 559 N.S. § A (part), 1981)

18.04.090 Commercial recreation.

"Commercial recreation" means a use providing recreation, amusement or entertainment services, including theaters, bowling lanes, billiard parlors, cardrooms, outdoor recreation services and arcades, i.e., commercial establishments involving five or more mechanical or electronic games, any machine, apparatus, contrivance, appliance or device which may be operated or played upon the placing or depositing therein of any

coin, check, slug, ball, or any other article or device, or by involving in its use either skill or chance, including, but not limited to tape machine, card machine, pinball machine, bowling game machine, shuffleboard machine, marble game machine, horse-racing machine, basketball game machine, baseball game machine, football game machine, electronic video game, or any other similar machine or devices of five or more within a business establishment, and similar services operated on a private or for-profit basis. (Ord 1135 N.S. § 2, 1993; Ord. 604A N.S. § A, 1983; Ord. 559 N.S. § A (part), 1981)

18.04.095 Community apartment.

"Community apartment" means a project in which an undivided interest in land is coupled with the right of exclusive occupancy of an apartment located thereat. (Ord. 559 N.S. § A (part), 1981)

18.04.100 Conditional use.

"Conditional use" means a use of land for which a conditional use permit is required, pursuant to Chapter 18.54 of this title. (Ord. 559 N.S. § A (part), 1981)

18.04.105 Condominium.

"Condominium" means individual ownership of a dwelling unit within a multiple-unit structure exclusive of the land underlying such structure. (Ord. 559 N.S. § A (part), 1981)

18.04.110 Condominium development.

"Condominium development" means a structure and appurtenant premises divided in ownership by the existence of the condominiums as now or hereafter defined in Section 783 of the Civil Code of the state, and shall include instances where ownership is so divided following prior single ownership of the entire structure and premises, as well as new structures so divided in ownership. (Ord. 559 N.S. § A (part), 1981)

18.04.115 Construction yard.

"Construction yard" means an area on or immediately adjacent to a major construction or demolition site used on a temporary basis for the parking and storage of equipment used in the project, and the storage and preparation of materials and other items used in the project. Such yard may include construction offices and such shops as are necessary for work on the immediate project. (Ord. 559 N.S. § A (part), 1981)

18.04.120 Corporation yard; service yard.

"Corporation yard" or "service yard" means buildings and premises, including offices, used by any person or by the city for the storage, maintenance, repair and processing of equipment, materials and other items involved in construction or maintenance of physical facilities having permanently fixed locations, or in the operation of a fleet of rolling stock. (Ord. 559 N.S. § A (part), 1981)

18.04.121 Delivery or service vehicle.

"Delivery or service vehicle means" any car, motorcycle, scooter, van or truck used in a normal business capacity to deliver a product, service or good to any location off-site of the primary business establishment. (Ord. 1055 N.S. § C (part), 1991)

18.04.123 Display area, outdoor.

"Outdoor display area" means any area, either permanent or temporarily devoted to, or used for the display of any product or services which is external to a building. (Ord. 1055 N.S. § C (part), 1991)

18.04.125 District.

"District" means a portion of the territory of the city within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of Division I of this title. (Ord. 559 N.S. § A (part), 1981)

18.04.130 Domestic pet.

"Domestic pet" means any of the various animals customarily kept as household pets (except exotic animals). (Ord. 559 N.S. § A (part), 1981)

18.04.132 Drive-in establishment.

"Drive-in establishment" means:

A. Any place or premises where a portion of the business conducted involves the sale, dispensing or serving of food, beverages or merchandise or the provision of service to vehicles and/or their occupants.

B. Drive-in establishments shall include, but not be limited to, drive-thru photo sales, car washes, service stations, and drive-up window facilities for use by a fast-food restaurant, bank or savings and loan association or similar institution, and other similar uses as determined by the community development director (Ord. 846 § 2, 1987)

18.04.135 Driveway.

"Driveway" means a permanently surfaced area on a lot designed and required to provide direct access for vehicles between a street and a private garage, carport or other permitted parking space or parking area or loading area. (Ord. 559 N.S. § A (part), 1981)

18.04.140 Driveway aisle, major.

"Major driveway aisle" means a driveway providing principal access to the parking area or the driveway providing principal circulation throughout the parking areas or premises. (Ord. 559 N.S. § A (part), 1981)

18.04.145 Dwelling.

"Dwelling" means any building or portion thereof designated or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer or trailer coach. (Ord. 559 N.S. § A (part), 1981)

18.04.150 Dwelling, multifamily.

"Multifamily dwelling" means a building designed and used as a residence for three or more families living independently of each other and containing three or more dwelling units. (Ord. 1050 N.S. § 1 (part), 1991: Ord. 559 N.S. § A (part), 1981)

18.04.154 Dwelling, single-family, attached.

"Single-family attached dwelling" means a dwelling attached to another dwelling, sometimes called a townhouse, duet, or row house. One or more walls extend from foundation to roof, which separate it from adjoining structures and form a property line. (Ord. 1050 N.S. § 1 (part), 1991: Ord. 559 N.S. § A (part), 1981)

18.04.155 Dwelling, single-family, detached.

"Single-family detached dwelling" means a dwelling designed to contain a single dwelling unit situated on a single lot. (Ord. 1050 Ord. § 1 (part), 1991: Ord. 559 Ord. § A (part), 1981)

18.04.157 Dwelling, two-family or duplex.

"Two-family" or "duplex dwelling" means a structure which is designed and used as a residence for two families living independently of each other and containing two dwelling units. (Ord. 1050 N.S. § 1 (part), 1991: Ord. 899 Ord. § 1 (part), 1989)

18.04.160 Dwelling unit.

"Dwelling unit" means one room, or suite of two or more rooms, designed for or used by one family for living and sleeping purposes. (Ord. 559 N.S. § A (part), 1981)

18.04.162 Primary dwelling unit.

"Primary dwelling unit" means a single-family dwelling located on a separate lot with no other dwellings on the lot except for a secondary dwelling unit. (Ord. 884 N.S. § 1, 1989)

18.04.164 Secondary dwelling unit.

"Secondary dwelling unit" means a detached or attached dwelling unit which provides complete independent living facilities for one or more persons which is located on a lot which contains an existing single-family dwelling. A secondary dwelling unit must be located in a permanent structure and includes provisions for living, sleeping, eating, cooking, and sanitation. Secondary dwelling units are not "accessory structures" as defined in Sections 18.04.015 and 18.56.020 of this title. (Ord. 884 N.S. § 2, 1989)

18.04.164.5 Escort agencies

"Escort agencies" means a person, business or other agency which provides or dispatches a person or persons who, for any form of consideration or gratuity, agree or offer to act as a companion, guide, or date for another person. (Ord. 1150 N.S. § 2 (part), 1993)

18.04.165 Family.

"Family" means:

- A. One person living alone;
- B. Two or more persons living together, all of whom are related to one another by blood, marriage or adoption, provided that any person related by blood or adoption to one spouse shall be deemed related to all other persons related to such spouse by blood or adoption, and shall also be deemed related to the other spouse and to all other persons related to such other spouse by blood or adoption; or
- C. If they do not come under the provisions of subsection B of this section, a group of not more than five persons living together. (Ord. 559 N.S. § A (part), 1981)

18.04.170 Fence.

"Fence" means a structure made of wire, wood, metal, masonry or other material used as a screen or enclosure for a field, yard or lot. (Ord. 559 N.S. § A (part), 1981)

18.04.175 Fence height.

"Fence height" means the difference in elevation between the top of a fence or hedge, and the ground surface, at the lowest point of the fence or hedge. Where a fence is erected atop or within ten feet of a retaining wall on the property line or on the same lot, the height of the fence shall include the retaining wall. (Ord. 559 N.S. § A (part), 1981)

18.04.177 Financial service.

"Financial service" means a use providing financial services to individuals or other entities.

The term "financial service" includes banks, savings and loan institutions, loan and lending activities and similar services. (Ord. 899 N.S. § 1 (part), 1989)

18.04.180 Floodplain.

"Floodplain" means that portion of land adjacent to a creek channel which is covered by water during a one-hundred-year flood event. (Ord. 559 N.S. § A (part), 1981)

18.04.185 Floodwaters.

"Floodwaters" means a body of water resulting from an overflow of a river, channel, bay, drainage canal or backwater, due to inadequate downstream capacity, which inundates the land. (Ord. 559 N.S. § A (part), 1981)

18.04.190 Floodway.

"Floodway" means a body or channel of a stream, and those portions of the floodplain adjoining the channel, that are required to carry and discharge the floodwater or flood flows of any river or stream, including but not limited to flood flows associated with the regulatory one-hundred-year flood. (Ord. 559 N.S. § A (part), 1981)

18.04.195 Floor area.

"Floor area" means the sum of the areas of the several floors of structure(s), as measured by the exterior faces of the walls, less any area within the structure(s) devoted to parking, vehicular atriums or enclosed malls and similar areas. (Ord. 559 N.S. § A (part), 1981)

18.04.200 Freeway.

"Freeway" means a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands, or in respect to which such owners have only limited or restricted right or easement of access. The term "freeway" has the same meaning as the term "freeway" as defined in the California Streets and Highways Code. (Ord. 559 N.S. § A (part), 1981)

18.04.205 Garage, private.

"Private garage" means an attached or detached accessory dwelling located upon a lot developed with a residential dwelling or dwellings (or a portion of a main residential building) used by the occupants resident upon the premises principally for the storage of passenger vehicles, and other vehicles and equipment permitted to be located upon the lot. (Ord. 559 N.S. § A (part), 1981)

18.04.210 Garage, public.

"Public garage" means a structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of motor vehicles or other

vehicles; except that a structure or part thereof used only for storage (as in the case of a public parking area) or display (as in the case of an automobile sales area) of motor vehicles, but not for transients, and at which fuels and oils are not sold, and such motor vehicles are not equipped, repaired or hired, shall not be deemed to be a public garage. (Ord. 559 N.S. § A (part), 1981)

18.04.215 General Plan.

"General Plan" means the General Plan of the City of Morgan Hill, California, as adopted by the city council on October 15, 1980, and as may be amended from time to time. (Ord. 559 N.S. § A (part), 1981)

18.04.217 Guest house.

"Guest house" means an accessory building containing a lodging unit without kitchen facilities, and used to house occasional visitors or nonpaying guests of the occupant of a dwelling unit on the same site. (Ord. 899 N.S. § 1 (part), 1989)

18.04.218 Hazardous materials reprocessing.

Hazardous materials reprocessing means one or more activity to manufacture, clean, repackage or perform another industrial operation involving "hazardous waste" as defined by the Santa Clara County hazardous waste management plan. This definition relates to hazardous wastes which are brought onto a site and reprocessed, with the product sent off-site. The definition does not apply to (a) transportable treatment units (TTU) which are designed to be moved either intact or in modules and which are intended to be operated at a location for a limited time; or (b) permanent on-site hazardous waste facilities at locations where hazardous waste is produced and which are owned by, leased to or under the control of the producer of the waste; all such facilities requiring state licensing to operate; or (c) "small quantity generators" as defined by the Santa Clara County hazardous waste management plan, including but not limited to small photo laboratories, dry cleaning plants and similar businesses, which are not included in (b) above regarding reprocessing of off-site hazardous waste or (d) a "salvage yard" defined by Section 18.04.390 of this chapter unless hazardous materials are processed or stored therein. Hazardous materials reprocessing is not allowed in any

zoning district except an M-C campus industrial district, and is allowed in such district only upon issuance of a conditional use permit and a determination of consistency with the Santa Clara County hazardous waste management plan or a city-designated equivalent. (Ord. 1104 N.S. § 1 (Exh. A)(part), 1992)

18.04.219 Hazardous waste.

"Hazardous waste" means a waste or combination of wastes, which because of its quantity, concentration, toxicity, corrosiveness or flammability, or physical, chemical or infectious characteristics may (1) cause or significantly contribute to an increase in mortality or an increase in serious, irreversible or incapacitating illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed. (Ord. 1104 N.S. § 1 (Exh.A)(part), 1992)

18.04.220 Home improvement center.

"Home improvement center" means a retail establishment which carries a full line of building materials, appurtenances and decorator items for individual "do-it-yourselfer" residents, to facilitate the improvement, rehabilitation and maintenance of individual dwellings. This use is different in function from a building supply yard or lumberyard which stores large volumes of building materials for contractors, home builders and/or individuals, most of which is stored in special sheds or out-of-doors. (Ord. 559 N.S. § A (part), 1981)

18.04.225 Home occupation.

"Home occupation" means a use customarily carried on in a dwelling by a resident thereof, which use is merely incidental to the residential use of the dwelling, and subject to criteria as provided in Division I of this title. (Ord. 559 N.S. § A (part), 1981)

18.04.230 Industrial park/business park.

"Industrial park/business park" means a combination of industrial and/or commercial uses of contiguous lots specifically planned for industry, having continuity of design and function and uniform or integrated standards of development established by contract, covenant or deed restriction. (Ord. 559 N.S. § A (part), 1981)

18.04.235 Kennel.

"Kennel" means a building or portion thereof, or other enclosure, used to confine, feed, exercise, show or provide shelter for more than five cats or dogs, ten weeks of age or older. Veterinarians' offices are specifically excluded. (Ord. 559 N.S. § A (part), 1981)

18.04.240 Landscaping.

"Landscaping" means the planting and maintenance of trees, shrubs, lawns and other evergreen ground cover or material, including inorganic accessory materials utilized to accent or complement the vegetation. (Ord. 559 N.S. § A (part), 1981)

18.04.245 Lot.

"Lot" means a piece or parcel of land owned as a single unit in common ownership, occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as are required by this chapter, and having frontage on and access to an approved and accepted city street which meets the standards of width and improvements as specified in the regulations of the city contained in or adopted pursuant to the subdivision title of this code, and Chapter 18.50 of this title on street improvements as to the frontage of the lot involved, or having frontage on and access to an approved private street. (Ord. 559 N.S. § A (part), 1981)

18.04.250 Lot area.

"Lot area" means the net site area of a lot, expressed in terms of acres or square feet, exclusive of any public street easements, and exclusive of that percentage of the total area of any other public easements or private easements which is in excess of fifteen percent of the net site area of the lot, exclusive of any such public street easements, which net site area as thus limited can be legally occupied by a principal building or a group of such buildings and accessory buildings, or can be utilized for a principal use and uses accessory thereto, together with such open spaces as are required by Division I of this title. (Ord. 559 N.S. § A (part), 1981)

18.04.255 Lot, corner.

"Corner lot" means a lot abutting upon two streets at their intersections, or abutting upon a curvature of a single street, where such streets or curvature form an interior angle of less than one hundred thirty-five degrees. The point of intersection of the street lot lines, extending, is the "corner." A corner lot may have more than one corner and may also abut upon one or more streets which do not form the corner or corners of the lot. (Ord. 559 N.S. § A (part), 1981)

18.04.260 Lot coverage or building coverage.

"Lot coverage" or "building coverage" means that portion of the lot area covered by a building. (Ord. 559 N.S. § A (part), 1981)

18.04.265 Lot, depth of.

"Depth of lot" means the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line. (Ord. 1055 N.S. § C (part), 1991; Ord. 559 N.S. § A (part), 1981)

18.04.270 Lot, interior.

"Interior lot" means a lot which has only one front lot line. (Ord. 559 N.S. § A (part), 1981)

18.04.275 Lot line, front.

A. "Front lot line" means any of the following:

1. Each street lot line of an interior or through lot;
2. On a corner lot, the shorter lot line abutting a street or the line designated as the front lot line; and
3. Any street lot line not forming a corner of a corner lot.

B. If the side yard setback facing the street on a corner is at least as deep as the front yard setback requirement, the community development director may designate the front lot line of corner lots for setback purposes. (Ord. 1025 N.S. § 3 (part), 1991; Ord. 559 N.S. § A (part), 1981)

18.04.280 Lot line, rear.

"Rear lot line" means the lot line opposite and most distant from the front line, where such lot line is not also a street lot line. (Ord. 559 N.S. § A (part), 1981)

18.04.285 Lot, through.

"Through lot" means a lot which has two or more front lot lines which do not intersect to form a corner lot. (Ord. 559 N.S. § A (part), 1981)

18.04.290 Lot width.

"Lot width" means the width of the lot, measured at right angles to its depth. (Ord. 559 N.S. § A (part), 1981)

18.04.291 Major motor vehicle repair.

"Major motor vehicle repair" means all repair, servicing or maintenance work not provided for under "minor motor vehicle repair," including, but not limited to, general repair, rebuilding or reconditioning of: (a) major vehicle components, such as engines, transmissions and differentials, (b) non-passenger vehicles, motor homes or trailers and trucks exceeding one and one-half ton capacity, or (c) body, frame or fender components, including collisions service, upholstery or painting. (Ord. 980 N.S. § 3 (part), 1990)

18.04.292 Manufactured housing.

"Manufactured housing" means a single-family detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974, and shall include structures known as manufactured homes or mobile homes. (Ord. 1050 N.S. § 1 (part), 1991)

18.04.292.5 Massage parlor.

As distinct from other massage establishments, "Massage Parlor" means any place, for any form of consideration or gratuity, in which massage, alcohol rubs, administration of fomentation, electric or magnetic treatment or any other treatment manipulation of the human body occurs. The exceptions to this definition include places in which services are provided by licensed doctors, nurses, osteopaths, chiropractors, teachers, barbers, beauticians or by massage technicians who have received at least 100 hours of instruction and supervised training at recognized massage schools or are licensed by the State. (Ord. 1150 N.S. § 2 (part), 1993)

18.04.293 Mini-storage facilities.

A. "Mini-storage facility" means a building or group of buildings, in a controlled access and fully enclosed compound, which contain separate storage spaces of varying size, for the dead storage of customer's goods and possessions.

B. "Dead storage" means goods that are not radioactive, explosive, flammable or hazardous materials, that are not living plants or animals, that are not in use and not associated with any commercial use on the premises. (Ord. 839 N.S. § 2, 1987)

18.04.294 Medical office.

"Medical office" means a use providing consultation, diagnosis, therapeutic, preventative, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts for humans licensed for such practice by the state of California. (Ord. 899 N.S. § 1 (part), 1989)

18.04.295 Minor motor vehicle repair.

"Minor motor vehicle repair" means general servicing and maintenance of passenger cars and trucks not exceeding one and one-half tons capacity. Such servicing may include, but not be limited to: (a) the repair or replacement of worn or defective parts and gaskets external to the basic engine block, such as intake and exhaust manifolds, carburetors, and water pumps, (b) engine replacement, (c) the repair or replacement of worn or defective brake parts, clutch parts, mufflers, exhaust system parts, wheel bearings, shock absorbers, tires, batteries, spark plugs and other accessible minor parts, and (d) maintenance work such as the changing or supplementing of vehicle fluids and the adjustment of mechanical components while on the vehicle. (Ord. 1135 N.S. § 3, 1993; Ord. 980 N.S. § 3 (part), 1990)

18.04.296 Mobile home.

"Mobile home" means a vehicle designed and equipped for human habitation, and for being drawn by motor vehicle. A mobile home is a type of "trailer" or "trailer coach" or "semi-trailer" as such terms are defined in the California Vehicle Code, and has the same meaning as "mobile home," as such term is defined in the California Health and Safety Code. For the purposes of Division I of this title, the terms "mobile home," "travel trailer" and "trailer," which are each separately defined terms in this division, are mutually exclusive terms. The term "mobile home" does not include "modular" or "manufactured dwellings" intended for assembly on-site on permanent foundations and

not designed for subsequent or repeated relocation. (Ord. 899 N.S. § 1 (part), 1989; Ord. 559 N.S. § A (part), 1981)

18.04.300 Motel, motor hotel.

"Motel" or "motor hotel" means a group of buildings containing individual sleeping or living units, designed for use by automobile tourists or transients, with garage attached or parking space conveniently located to each unit. (Ord. 559 N.S. § A (part), 1981)

18.04.305 Natural land slope.

"Natural land slope" means the predominant slope (or slopes) in its natural condition, disregarding minor surface humps or hollows. (Ord. 559 N.S. § A (part), 1981)

18.04.310 Nonconforming building.

"Nonconforming building" means a building or structure or portion thereof which:

A. At the time of construction complied with the height requirements of the district in which it was located, and was sited on the lot on which it was constructed in compliance with the area and yard requirements of such district at that time; but

B. Does not now conform to the presently existing height regulations of the district where located; or

C. Is sited on the lot where it is situated in such a manner that there is a lack of conformity with the presently existing area or yard requirements of the district where located. (Ord. 559 N.S. § A (part), 1981)

18.04.315 Nonconforming lot.

"Nonconforming lot" means a lot which, when lawfully created or established, complied with the width and area requirements of the district where located, but which does not conform to the presently existing area or width regulations of the district where located, or which does not conform to the presently existing requirements of the Subdivision Ordinance governing lot standards. (Ord. 559 N.S. § A (part), 1981)

18.04.320 Nonconforming use.

"Nonconforming use" means a use which, when commenced, complied with the use regulations of the district in which such use was commenced, and which does not conform to the presently existing use regulations of the district where the use is being conducted or carried on. The term "nonconforming use" shall be applicable to use of buildings, structures and land. (Ord. 559 N.S. § A (part), 1981)

18.04.322 Nudity or semi-nudity.

"Nudity" means the appearance of the human anus, male genitals, female genitals or the areola or nipple of the female breast. "Semi-nudity" means the covering of these areas solely by small patches of cloth or similar material, held to the body solely by straps, strings or adhesives. (Ord. 1150 N.S. § 2 (part), 1993)

18.04.325 Nursery.

"Nursery" means an area where agricultural products are grown for transplanting, for use of stock for building and grafting, or for sale on the premises. (Ord. 559 N.S. § A (part), 1981)

18.04.330 Nursery school, children's nursery school, child day care service, family day care home.

"Nursery school," "children's nursery school," "child day care service" or "family day care home" means an establishment for the part-time care and instruction of children, whether or not for compensation, other than those resident on the site. Uses under this definition shall be further defined in accordance with the following hierarchy:

A. Small Family Day Care Homes. The use of a residential dwelling providing care for up to six children. A small family day care home shall be considered a residential use of property for purposes of zoning and shall be permitted in all residential zone districts.

B. Large Family Day Care Homes. The use of a residential dwelling to provide care for up to twelve children. Large family day care homes may be allowed in

all residential zone districts with approval of a conditional use permit and may be subject to standards, restrictions and requirements concerning spacing, traffic control, parking and noise control.

C. Nursery Schools. An establishment providing care and instruction to more than twelve children. Nursery schools may be allowed in all residential zone districts subject to issuance of a conditional use permit. (Ord. 726 N.S. § 2, 1985; Ord. 559 N.S. § A (part), 1981)

18.04.335 Nursing home or convalescent hospital.

"Nursing home" or "convalescent hospital" means any place or institution which makes provisions for bed care, or for chronic or convalescent care for one or more persons, exclusive or relatives, who by reason of illness or physical infirmity are unable to properly care for themselves. Institutions for the care of alcoholics, drug addicts, persons with mental diseases, and persons with communicable diseases, such as contagious tuberculosis, are not included within the meaning of "nursing home" or "convalescent hospital." (Ord. 559 N.S. § A (part), 1981)

18.04.340 Open space, essentially unimproved.

A. "Open space," for the purposes of Division I of this title, means any parcel or area of land or water which is essentially unimproved and devoted to an open-space use, as defined in Section 65560 of the Government Code. "Essentially unimproved" means any parcel of land with a building coverage of five percent or less of the total parcel area.

B. "Open space" also means an outdoor area created by artificial or natural design not otherwise occupied by buildings (open spaces may be integral with, but may not be totally covered by, building areas, except as otherwise specified by district regulations), or paved areas for vehicular circulation or parking. (Ord. 559 N.S. § A (part), 1981)

18.04.345 Overlay district.

"Overlay district" means a district described by the zoning map, within which, through imposition of a special designation, additional regulations and requirements

apply in addition to those of the district to which such designation is added. (Ord. 559 N.S. § A (part), 1981)

18.04.346 Owner.

An "owner" of an "adult business" means any person, corporation, partnership or other form of ownership, which (a) controls the business, other than a hired manager; or (b) receives over ten percent of the net receipts of the business. The word "owner" applies to any and all "owners" singly and collectively. (Ord. 1150 N.S. § 2 (part), 1993)

18.04.350 Parking space.

"Parking space" means a permanently surfaced area of not less than one hundred eight square feet, either within a structure or in the open, excluding driveways or access drives, for the parking of a vehicle. (Ord. 559 N.S. § A (part), 1981)

18.04.355 Performance standards.

"Performance standards" means regulations for the control of "dangerous or objectionable elements," as defined in Division I of this title. (Ord. 559 N.S. § A (part), 1981)

18.04.357 Personal service.

"Personal service" means a use providing services of a personal convenience nature; cleaning, repair, or sales incidental thereto, and including gymnasiums, art, dance, exercise or music studios, beauty and barber shops, shoe repair, self-service laundry and cleaning services, laundry and cleaning pick-up stations (where bulk cleaning and servicing is done elsewhere), repair and fitting of clothes and personal accessories, copying, and similar services. (Ord. 1135 N.S. § 4, 1993; Ord. 899 N.S. § 1 (part), 1989)

18.04.358 Police permit.

A "police permit" shall mean a permit, as described in Section 5.60.010 et seq. of the Municipal code, and issued by the chief of police or other person appointed to act in his or her position by the city manager, which verifies the credentials and law enforcement history, if any, of the owner or owners and/or manager or managers of any "adult business" and other matters necessary to protect the public health, safety and general welfare. (Ord. 1150 N.S. § 2 (part), 1993)

18.04.360 Principal permitted use.

"Principal permitted use" means a use for which no conditional use permit is required, but which may be subject to site plan and architectural approval, planned unit development approval, or performance standards procedure, as specified in Division I of this title. (Ord. 559 N.S. § A (part), 1981)

18.04.362 Professional offices.

"Professional offices" means an office from which and at which a doctor, lawyer, engineer, architect, accountant or similar professional persons may offer services. (Ord. 899 N.S. § 1 (part), 1989)

18.04.364 Public facility.

"Public facility" means a noncommercial use established primarily for the benefit and enjoyment of the community in which it is located, including a library, school, museum, recreation center, water well, reservoir and similar facilities. (Ord. 899 N.S. § 1 (part), 1989)

18.04.365 Public use.

"Public use" means a use operated exclusively by a public body, such use having the purpose of serving the public health, safety or general welfare, and including uses

such as public schools, parks, playgrounds, hospitals, and administrative and service facilities. (Ord. 559 N.S. § A (part), 1981)

18.04.370 Quasi-public use.

"Quasi-public use" means a use operated by a private nonprofit educational, religious, recreational, charitable or medical institution, such use having the purpose primarily of serving the general public, and including uses such as churches, private schools, and universities, community, youth and senior citizen recreational facilities, private hospitals, and the like. (Ord. 559 N.S. § A (part), 1981)

18.04.373 Research and development.

"Research and development" means a use engaged in study, testing, design, analysis, and experimental development of products, processes, or services, including incidental manufacturing of products or provision of services to others. (Ord. 899 N.S. § 1 (part), 1989)

18.04.375 Recreation, commercial.

"Commercial recreation" means recreation facilities operated as a business and open to the general public for a fee. (Ord. 559 § A (part), 1981)

18.04.380 Recreation, private, noncommercial.

"Private, noncommercial recreation" means clubs or recreation facilities operated by a nonprofit organization and open only to bona fide members of such nonprofit organization. (Ord. 559 § A (part), 1981)

18.04.381 Recreational vehicle long-term space.

"Recreational vehicle long term space" means one which is occupied by any resident or family or vehicle for longer than ninety calendar days, which would be in

violation of this section. In the event that adjudication or interpretation of state law, including Section 18300.5 of the California Health and Safety Code, requires the city to permit such long-term spaces, thus superseding this section, the provisions of Chapter 18.49 with regard to long-term spaces shall apply to those spaces, including definition of such long-term spaces as residences for purposes of Section 18.78.010 et seq. of this ordinance. (Ord. 1100 N.S. § 1 (part), 1992)

18.04.382 Recreational vehicle (RV) park.

"Recreational Vehicle (RV) park" means any use of land upon which two or more recreational vehicles are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. For purposes of this definition, RV parks shall be owned by a single owner or organization and all recreational vehicle lots or spaces shall be rented or leased to the same person or group of persons who occupy the same recreational vehicle for a period not to exceed one hundred and eighty consecutive days. The term of stay or occupancy, and mix thereof, by vehicles in different sections of a park may be defined by each conditional use permit for each park, except that the maximum time limits specified in Section 18.04.383 shall be observed. For spaces which are defined for transient occupancy of thirty days or less, no longer term occupancy shall be permitted without an amendment to the conditional use permit. (Ord. 1100 N.S. § 1 (part), 1992; Ord. 1059 N.S. § 1, 1991)

18.04.383 Retail, extensive.

"Extensive retail" means retail sales where more than seventy-five percent of the gross floor area is used for display, sales, and related storage of bulky commodities, such as household furniture and appliances, lumber and building materials, carpeting and floor covering, heating and air conditioning equipment, and similar goods which demonstrably generate a demand for fewer parking spaces than do "intensive retail uses." (Ord. 1025 N.S. § 2 (part), 1991)

18.04.384 Retail, intensive.

"Intensive retail" means any retail use that is not extensive. (Amended during 8/93 supplement; Ord. 1025 N.S. § 2 (part), 1991)

18.04.385 Sales, wholesale.

"Wholesale sales" means the sale of goods for resale, or the sale of goods produced or processed from raw or primary materials on the premises, or the sale of construction materials which require bulk delivery of the product. (Ord. 559 N.S. § A (part), 1981)

18.04.390 Salvage yard.

"Salvage yard" means a place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled or stored, including auto wrecking yards, house wrecking yards, used-lumber yards and places or yards for storage of salvaged house-wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawnshops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations. (Ord. 559 N.S. § A (part), 1981)

18.04.393 Senior citizen housing.

"Senior citizen housing" means a dwelling unit which is designed for, and limited to the occupancy by persons who are of sixty-two years of age or older. (Ord. 899 N.S. § 1 (part), 1989)

18.04.394 Sensitive areas or sensitive uses.

"Sensitive areas" or "sensitive uses" shall mean and include any of the following, for which proximity to an "adult business" can cause diminished real estate values, urban blight and other adverse secondary effects:

1. Any religious institution, on land leased or owned by any church, synagogue, mosque, temple or any school or meeting hall operated by such institution.
2. Any public or private elementary, junior high or high school, preschool or child day care center.
3. Any public park on which recreation games may be played, including lawn and parking areas, but excluding natural open space on slopes exceeding twenty percent.
4. Any public assembly or public use civic building, including City Hall, the Library and the Post Office, but excluding police and fire stations.
5. Any area developed with or shown on the General Plan for future residential development.
6. Any hospital except a veterinary hospital.
7. Any Freeway or arterial street which is identified in the General Plan Circulation Element, and which residential and visitor traffic uses to access other "Sensitive Uses". (Ord 1150 § 2 (part), 1993)

18.04.395 Site, building.

"Building site" means the ground area of a building or buildings, together with all open spaces required by Division I of this title. (Ord. 559 N.S. § A (part), 1981)

18.04.400 Special residential care facilities.

"Special residential care facilities" means any state-authorized, certified or licensed family-care home, foster home, or group home serving six or fewer mentally disordered or otherwise handicapped persons, or dependent and neglected children or the elderly, when such homes provide care on a twenty-four-hour a day basis. (Ord. 559 N.S. § A (part), 1981)

18.04.401 Specified anatomical areas.

"Specified anatomical areas" shall mean and include any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, anus or female breasts below a point immediately above the top of the areolae; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered. (Ord. 1150 N.S. § 2 (part), 1993)

18.04.402 Specified criminal acts.

"Specified criminal acts" shall mean conviction of an act or acts which are sexual crimes against children, sexual abuse, or rape; as well as crimes connected with an adult business including, but not limited to, sexual assault, distribution of obscenity or material harmful to minors, prostitution, solicitation of prostitutes, pimping or pandering, unlawful acts of sexual intercourse, sodomy, oral copulation or masturbation occurring on the premises of the "adult business". Indictment or accusation does not constitute a "specified criminal act." (Ord. 1150 N.S. § 2 (part), 1993)

18.04.403 Specified Sexual Activities.

"Specified Sexual Activities" shall mean and include any of the following:

1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts; or
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy; or
3. Masturbation, actual or simulated; or
4. Human genitals in a state of sexual stimulation, arousal or tumescence;
5. Excretory functions as part of or in connection with any of the activities set forth in this Section. (Ord 1150 § 2 (part), 1993)

18.04.405 Stable.

"Stable" means a building or portion thereof, or other enclosure, not including pastures, used to confine, feed, exercise, show or provide shelter for horses, cows or other hooved animals, whether for private, public or commercial use. "Stable" includes,

but is not limited to, stall, corral, paddock, barn, exercise area and arena, along with structures accessory thereto. (Ord. 559 N.S. § A (part), 1981)

18.04.410 Standard industrial classification manual (SIC).

"Standard industrial classification manual (SIC)" means the latest publication prepared by the Statistical Policy Division, Office of Management and Budget, Executive Office of the President of the U.S., and available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. As used in Division I of this title, the SIC shall constitute the detailed descriptions of uses enumerated in the various use districts, except where such uses are otherwise defined in Division I of this title. (Ord. 559 N.S. § A (part), 1981)

18.04.415 Story.

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it. (Ord. 559 N.S. § A (part), 1981)

18.04.420 Street frontage.

"Street frontage" means:

- A. The existence of a street lot line; or
- B. The lineal foot measurement of a lot at a street lot line. (Ord. 559 N.S. § A (part), 1981)

18.04.425 Structure.

"Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, except benches, statuary, planter boxes less than thirty-six inches in height, fish ponds less than eighteen inches in depth, and wood fences seventy-two inches or under in height. (Ord. 559 N.S. § A (part), 1981)

18.04.427 Use, temporary.

"Temporary use" means a use established on private property, that exists for a specified length of time, and which is discontinued within that time period. (Ord. 866 N.S. § 1, 1988)

18.04.430 Tract office, temporary.

"Temporary tract office" means an office facility used on a temporary basis only, located on or immediately adjacent to a tract or subdivision with new development thereon, for sales and administrative activity associated with the development. (Ord. 559 N.S. § A (part), 1981)

18.04.435 Townhouse.

"Townhouse" means a dwelling unit which is a portion of a multiple dwelling and has one or more common walls with other dwelling units, where such unit is the sole dwelling unit on a separate lot, and where ownership of such dwelling unit includes an interest in common areas other than the lot upon which the dwelling unit is situated. (Ord. 559 N.S. § A (part), 1981)

18.04.437 Transportation terminal.

"Transportation terminal" means a depot, terminal, or transfer facility for passenger transportation services. (Ord. 899 N.S. § 1 (part), 1989)

18.04.439 Travel trailer or recreational vehicle.

"Travel trailer" or "recreational vehicle" or "coach" shall have the same definition as in Sections 18010 and 18215.5 of the California Health and Safety Code, except that all recreational vehicles or travel trailers parked for more than thirty days in a park in Morgan Hill shall have a tag of certification as described in Sections 4030 and 4032 of Title 25, Division 1, Chapter 3 of the California Code of Regulations. Such vehicles exclude home-made or nonstandard travel trailers or recreational vehicles and

specifically exclude occupancy of camper shells or other removable sections of pickup trucks. Such vehicles so excluded from stays of over thirty days are not excluded from stays of under thirty days at transient occupancy spaces in Morgan Hill. (Ord 1100 § 1 (part), 1992)

18.04.440 Use, allowed.

"Allowed use" means a use that is either permitted or conditional within a zoning district. (Ord. 559 N.S. § A (part), 1981)

18.04.445 Use, permitted.

"Permitted use" means a use for which no conditional use permit is required, but which may be subject to other approval proceedings as specified in this chapter. (Ord. 559 N.S. § A (part), 1981)

18.04.447 Vehicle space.

"Vehicle space" means any portion of a park which may be leased or subject to a subdivision map, sold to any person with the intent of occupancy by a recreational vehicle or travel trailer. If the intent to occupy or actual occupancy of the space exceeds the limits of Section 18.04.383, the vehicle space shall be defined as a "residential development" under Section 18.78.020 of the municipal code, and shall only have such long-term occupancy if an allocation is granted under Section 18.78.010 et seq. of the Municipal Code. (Ord. 1100 N.S. § 1 (part), 1992)

18.04.450 Yard, front.

"Front yard" means an open space extending the full width of the lot, between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in Division I of this title. (Ord. 559 N.S. § A (part), 1981)

18.04.455 Yard, front, least depth.

"Front yard least depth" means the shortest distance, measured horizontally, between any part of a building, other than such parts hereinafter excepted, and the front lot line. Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts (the front lot line); provided, however, that if the proposed location of the right-of-way line of such street, as adopted by the city, differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as adopted, or shall be measured from any officially adopted setback lines. (Ord. 559 N.S. § A (part), 1981)

18.04.457 Warehousing and distribution.

"Warehousing and distribution" means a use engaged in storage, wholesale and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials which are flammable or explosive or which create hazardous or commonly recognized offensive conditions. (Ord. 899 N.S. § 1 (part), 1989)

18.04.460 Yard, rear.

"Rear yard" means an open space between a building and a rear lot line, extending the full width of the lot (except for any portion thereof which overlaps a street side yard), unoccupied and unobstructed from the ground upward, except as specified elsewhere in Division I of this title. (Ord. 559 N.S. § A (part), 1981)

18.04.465 Yard, rear, least depth.

"Rear yard least depth" means the shortest distance, measured horizontally, between any part of a building, other than such parts hereinafter excepted, and the rear lot line. (Ord. 559 N.S. § A (part), 1981)

18.04.470 Yard, side.

"Side yard" means an open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in Division I of this title. (Ord. 559 N.S. § A (part), 1981)

18.04.475 Yard, side, least width.

"Side yard least width" means the shortest distance, measured horizontally, between any part of a building, other than such parts hereinafter excepted, and the nearest side lot line. Such width shall be measured from the nearest side lot line and, in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the officially adopted location of the right-of-way line of such street differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street as adopted. (Ord. 559 N.S. § A (part), 1981)

Chapter 18.06

ZONING MAP AND DISTRICT BOUNDARIES

Sections:

- 18.06.010 Zoning map incorporated by reference.
- 18.06.020 Districts--Designated.
- 18.06.030 Districts--Locations on zoning map.
- 18.06.040 Districts--Boundary line interpretation.
- 18.06.050 Prezoning of adjoining unincorporated area.

18.06.010 Zoning map incorporated by reference.

A map entitled "Zoning Map, City of Morgan Hill," incorporated by reference, is made a part of Division I of this title, and established as Section 18.06.010 of this division. This map shall be available for public inspection at the City Hall under the same terms and conditions as other public documents. (Ord. 559 N.S. § A (part), 1981)

18.06.020 Districts--Designated.

The several districts and regulations hereby established and into which the city is divided, are designated as follows:

- OS Open Space District
- RE Residential Estates District
- R-1 Single-family Low Density Residential District
- R-1 Single-family Medium Density Residential District
- R-2 Medium-density Residential District
- R-3 Medium-density Residential District
- RPD Residential Planned Development Combining District
- CN Neighborhood Commercial District
- CG General Commercial District
- CC-R Central Commercial/Residential District
- HC Highway Commercial District
- TUD Theme Unit Development District

PUD Planned Unit Development District
CS Service Commercial District
CO Administrative Office District
ML Light Industrial District
MG General Industrial District
MC Campus Industrial District
MO Office Industrial District
F-W Floodway Combining District
(S) Seismic Combining District
(H) Hillside Combining District
(Ord. 1135 N.S. § 7, 1993; Ord. 863 N.S. § 4, 1988; Ord. 559 N.S. § A (part), 1981)

18.06.030 Districts—Locations on zoning map.

The designations, locations and boundaries of the districts set out in Section 18.06.020 are set forth in the map designated in Section 18.06.010 of this chapter, which consists of the zoning map of the city. The map, and all materials, references, data and other information shown thereon, shall be and are adopted and made a part of Division I of this title. (Ord. 559 N.S. § A (part), 1981)

18.06.040 Districts—Boundary line interpretation.

The boundaries of the zoning districts shall be shown on the zoning map maintained in the office of the city's community development department. Where any uncertainty exists as to the boundary of a district as shown on the zoning map, the following rules shall apply:

A. Where a boundary line is indicated as following a road, it shall be construed as following the road right-of-way centerline;

B. Where a boundary line on the map appears to follow or coincides approximately with a lot line or property ownership line, it shall be construed as following the lot line or property ownership line;

C. Where a boundary line is not indicated as following a road and does not follow or coincide approximately with a lot line, the boundary line shall be determined by scaled measurement of the zoning map;

D. Where further uncertainty exists, the planning commission, upon written application or on its own motion, shall determine the location of the boundary in question, giving due consideration to the location indicated on the zoning map, the objectives of the general plan, and the purposes set forth in the zoning district regulations. (Ord. 559 N.S. § A (part), 1981)

18.06.050 Prezoning of adjoining unincorporated area.

Where adjoining unincorporated land has been prezoned in accordance with the procedures prescribed in the California Government Code, the zoning district applied by the prezoning action shall become effective when such lands are annexed to the city. (Ord. 559 N.S. § A (part), 1981)

Chapter 18.08

OS OPEN SPACE DISTRICT

Sections:

- 18.08.010 Purpose of district.
- 18.08.020 Permitted uses.
- 18.08.030 Accessory uses.
- 18.08.040 Conditional uses.
- 18.08.050 Site development standards.
- 18.08.060 Performance standards.

18.08.010 Purpose of district.

The OS open space district is intended to preserve and enhance the use of open space lands as a limited and valuable resource. It is further intended:

- A. To permit limited but reasonable use of open space lands while protecting the public health, safety and welfare from the dangers of seismic hazards and unstable soils;
 - B. To insure the continued availability of land in agricultural production;
 - C. To preserve the topography of the city, that shapes it and gives it identity;
- and
- D. To implement the city's open space element of the General Plan. (Ord. 559 N.S. § A (part), 1981)

18.08.020 Permitted uses.

The following uses shall be permitted in the OS district:

- A. Agriculture;
- B. Public parks;
- C. Wildlife refuges;
- D. Single-family dwellings on a slope less than twenty percent, and on lots of five acres or larger, or so clustered that a similar density is provided. The construction of such dwellings shall be subject to site plan and architectural approval for conformance with the performance standards set forth in this chapter;

E. Secondary dwelling units, as defined in Section 18.04.164 and Chapter 18.55 of this title. (Ord. 1135 N.S. § 8, 1993; Ord. 559 N.S. § A (part), 1981)

18.08.030 Accessory uses.

The following are the accessory uses permitted in an OS district, where no conditional use permit has been granted:

- A. Dwellings of persons regularly employed on the premises for farming or domestic duties, where the principal use is agriculture, but not including labor camps and labor dwellings, accommodations, or areas for transient labor;
- B. Private garages and other structures for the storage of equipment, parking areas and private stables;
- C. Signs, complying with the regulations set forth in Chapter 18.76 of this title;
- D. Other accessory uses and buildings customarily appurtenant to a permitted use. (Ord. 559 N.S. § A (part), 1981)

18.08.040 Conditional uses.

The following are conditional uses in an OS district:

- A. Outdoor recreational uses, including golf courses, driving ranges and other similar commercial recreational facilities, but not including drive-in movie theaters, or any facility where the principal use is enclosed in a building;
- B. Kennels, aviaries and other wholesale animal-raising uses;
- C. Commercial and private, noncommercial recreational stables and riding academies;
- D. Cemeteries, crematories, mausoleums and columbariums;
- E. Quarters, accommodations or areas for transient labor, such as labor cabins or camps, where incidental to a permitted agricultural use;
- F. Hunting preserves;
- G. Public structures and uses;
- H. Nurseries at which sales are limited to horticultural matter grown on the premises;
- I. Churches and quasi-public uses of a similar nature to those listed above. (Ord. 1135 N.S. § 9, 1993; Ord. 908 N.S. § 3, 1989; Ord. 559 N.S. § A (part), 1981)

18.08.050 Site development standards.

The following site development standards shall apply in the OS district:

- A. Minimum lot area, five acres;
- B. Minimum lot width, one hundred feet;
- C. Maximum building coverage, five percent;
- D. Minimum setbacks:
 - 1. Front, fifty feet,
 - 2. Rear, fifty feet,
 - 3. Side, fifty feet;
- E. Maximum height, two stories, or twenty-five feet;
- F. Side Street Side Yard. A side yard along the side street lot line of a corner lot shall have a width of not less than fifteen feet or one-half the required depth of the front yard, whichever is greater;
- G. Cul-de-sac lot width, minimum of forty feet as measured along the front property line. (Ord. 899 N.S. §§ 6 (part), 22 (part), 1989; Ord. 559 N.S. § A (part), 1981)

18.08.060 Performance standards.

The following standards shall apply in the OS district:

- A. The impervious coverage shall not exceed ten percent of the area of each lot, except where increased or otherwise amended pursuant to a conditional use permit. "Impervious coverage" means the areas of the lot covered by buildings, structures, paving and other nonpermeable surfacing.
- B. Natural vegetation shall be retained and protected to the maximum extent feasible.
- C. Permanent vegetation and improvements capable of carrying storm water runoff in a safe manner shall be installed to the extent possible before the vegetative cover is removed from the area.
- D. Sediment basins, including debris basins, desilting basins and silt traps, shall be installed and maintained to reserve sediment from runoff waters of land undergoing development.
- E. Construction of dwellings for which conditional use permits are required shall only be permitted if the proposed dwelling units shall be served by public sewers, public water, city fire and police services, and acceptable access facilities. An exception to the public sewer requirement shall be allowed for secondary dwellings where a private

septic tank disposal system has been approved for the primary dwelling on the same parcel of land.

F. No building shall be constructed within fifty feet of a ridgeline, nor within fifty feet of a perennial or intermittent stream. All proposed structures shall be constructed outside of the one-hundred-year floodplain unless such development is consistent with the limitations contained in Chapter 18.42 of this title. (Ord. 1111 N.S. § 5 (part), 1992; Ord. 908 N.S. § 8, 1989; Ord. 899 N.S. § 3 (part), 1989; Ord. 559 N.S. § A (part), 1981)

Chapter 18.10

RE RESIDENTIAL ESTATE DISTRICT

Sections:

- 18.10.010 Purpose of district.
- 18.10.020 Permitted uses.
- 18.10.030 Accessory uses.
- 18.10.040 Conditional uses.
- 18.10.050 Site development standards--Generally.
- 18.10.080 Site development standards--RE-40,000 district.
- 18.10.090 Site development standards--RE-100,000 district.
- 18.10.100 Site development standards--RE-10 district.
- 18.10.110 Additional required conditions.
- 18.10.120 Trash containers. (Ord. 1135 N.S. §§ 10, 14 & 15, 1993)

18.10.010 Purpose of district.

The RE residential estates districts are intended to promote and encourage a suitable environment for family life on large parcels of land. The RE district is to be used only for suburban single-family homes and appropriate agricultural uses, and the community services and facilities appurtenant thereto. (Ord. 559 N.S. § A (part), 1981)

18.10.020 Permitted uses.

The following uses shall be permitted in the RE district:

- A. Single-family dwellings;
- B. Agricultural, except the raising of animals or fowl for commercial purposes, or sale of any products at retail on the premises;
- C. Special residential care facilities;
- D. Manufactured homes;
- E. Small family day care homes.
- F. Secondary dwelling units, as defined in Section 18.04.164 and Chapter 18.55 of this title. (Ord. 1135 N.S. § 11, 1993; Ord. 899 N.S. §§ 2 (part), 4 (part), 1989; Ord. 726 N.S. § 1 (part), 1985; Ord. 587 N.S. § A (part), 1982; Ord. 559 N.S. § A (part), 1981)

18.10.030 Accessory uses.

The following uses shall be permitted as accessory uses in the RE zoning districts:

- A. Private garages and parking areas;
- B. Private swimming pools and tennis courts, exclusively for the use of the residents and guests;
- C. Signs, complying with the regulations set out in Chapter 18.76 of this title;
- D. Use of a dwelling unit for the part-time care of six or less children other than those resident on the site, whether or not for compensation, by a resident of such dwelling unit;
- E. Guest houses, not rented or otherwise used as a business, provided that the lot is a minimum of one hundred thousand square feet in area;
- F. Home occupations;
- G. Other accessory uses and buildings customarily appurtenant to a permitted use. (Ord. 1055 N.S. § C (part), 1991; Ord. 559 N.S. § A (part), 1981)

18.10.040 Conditional uses.

The following uses may be conditionally allowed in the RE districts, subject to issuance of a conditional use permit in accordance with Chapter 18.54 of this title:

- A. Public and quasi-public buildings and uses of an educational, religious, cultural or public-service type, not including corporation yards and warehouses;
- B. Community clubs, and other public and private noncommercial recreation areas and facilities;
- E. Hospitals and medical facilities, provided that such uses are located adjacent to an arterial road, as designated on the General Plan land use map;
- F. Nursery schools and large family day care homes;
- G. Recreational vehicle (RV) parks, provided that such uses are located adjacent to an arterial road as designated on the General Plan land use map. (Ord. 1135 N.S. § 12, 1993; Ord. 1059 N.S. § 2, 1991; Ord. 1055 N.S. § C (part), 1991; Ord. 908 N.S. § 4, 1989; Ord. 884 N.S. § 4 (part), 1988; Ord. 726 N.S. § 1 (part), 1985; Ord. 587 N.S. § A (part), 1982; Ord. 559 N.S. § A (part), 1981)

18.10.050 Site development standards—Generally.

The site development standards set out in Sections 18.10.060 through 18.10.100 shall apply in the RE-40,000 and RE-100,000 districts, respectively. (Ord. 1135 N.S. § 13, 1993; Ord. 559 N.S. § A (part), 1981)

18.10.080 Site development standards—RE-40,000 district.

RE-40,000 standards are as follows:

- A. Minimum lot area, forty thousand square feet;
- B. Minimum lot width, one hundred feet;
- C. Minimum lot depth, one hundred feet;
- D. Maximum building coverage, thirty percent;
- E. Minimum setbacks:
 - 1. Front, twenty-five feet,
 - 2. Rear, twenty-five feet,
 - 3. Side, twenty feet;
- F. Maximum height, two and one-half stories, or thirty feet;
- G. Parking requirements, as specified in Chapter 18.50 of this title;
- H. Side Street Side Yard. A side yard along the side street lot line of a corner lot shall have a width of not less than fifteen feet or one-half the required depth of the front yard, whichever is greater;
- I. Cul-de-sac lot width, minimum of forty feet as measured along the front property line;
- J. All residential development fronting on an arterial street as defined by the general plan, shall provide a minimum front yard setback of thirty feet, or all residential development with rear or side yard areas adjacent to an arterial street shall provide a minimum fence/wall setback of fifteen feet with an average of twenty feet from the face of the curb. (Ord. 1055 N.S. § C (part), 1991; Ord. 899 N.S. §§ 6 (part), 22 (part), 1989; Ord. 559 N.S. § A (part), 1981)

18.10.090 Site development standards—RE-100,000 district.

RE-100,000 standards are as follows:

- A. Minimum lot area, one hundred thousand square feet;
- B. Minimum lot width, one hundred fifty feet;

- C. Minimum lot depth, one hundred fifty feet;
- D. Maximum building coverage, twenty-five percent;
- E. Minimum setbacks:
 - 1. Front, fifty feet,
 - 2. Rear, twenty-five feet,
 - 3. Side, twenty-five feet;
- F. Maximum height, two and one-half stories, or thirty feet;
- G. Parking requirements, as specified in Chapter 18.50 of this title;
- H. Side Street Side Yard. A side yard along the side street lot line of a corner lot shall have a width of not less than fifteen feet or one-half the required depth of the front yard, whichever is greater;
 - I. Cul-de-sac lot width, minimum of forty feet as measured along the front property line;
 - J. All residential development fronting on an arterial street as defined by the general plan, shall provide a minimum front yard setback of thirty feet, or all residential development with rear or side yard areas adjacent to an arterial street shall provide a minimum fence/wall setback of fifteen feet with an average of twenty feet from the face of the curb. (Ord. 1055 N.S. § C (part), 1991; Ord. 899 N.S. §§ 6 (part), 22 (part), 1989; Ord. 559 N.S. § A (part), 1981)

18.10.100 Site development standards--RE-10 district.

RE-10 standards are as follows:

- A. Minimum lot area, ten acres;
- B. Minimum lot width, two hundred feet;
- C. Minimum lot depth, two hundred feet;
- D. Maximum building coverage, fifteen percent;
- E. Minimum setbacks:
 - 1. Front, fifty feet,
 - 2. Rear, fifty feet,
 - 3. Side, fifty feet;
- F. Maximum height, two and one-half stories, or thirty feet;
- G. Parking requirements, as specified in Chapter 18.50 of this title;
- H. Side Street Side Yard. A side yard along the side street lot line of a corner lot shall have a width of not less than fifteen feet or one-half the required depth of the front yard, whichever is greater;

I. Cul-de-sac lot width, minimum of forty feet as measured along the front property line;

J. All residential development fronting on an arterial street as defined by the general plan, shall provide a minimum front yard setback of thirty feet, or all residential development with rear or side yard areas adjacent to an arterial street shall provide a minimum fence/wall setback of fifteen feet with an average of twenty feet from the face of the curb. (Ord. 1055 N.S. § C (part), 1991; Ord. 899 N.S. §§ 6 (part), 22 (part), 1989; Ord. 559 N.S. § A (part), 1981)

18.10.110 Additional required conditions.

A. Architectural and site plan approval shall be required of all uses situated on sensitive sites, as defined in Chapter 18.74 of this title.

B. Residential development control system approval is required for all residential development in accordance with Chapter 18.78 of this title.

C. No building shall be constructed within fifty feet of a ridgeline, nor fifty feet of a perennial or intermittent stream. All proposed structures shall be constructed outside of the one-hundred-year floodplain unless such development is consistent with the limitations contained in Chapter 18.42 of this title.

D. All manufactured homes are subject to architectural review and approval by the community development director.

E. Residential development adjacent to Highway 101 shall provide a minimum setback of sixty feet. The first forty feet adjacent to the freeway within the setback shall remain clear of all residential dwellings. (Ord. 1111 N.S. § 6 (part), 1992; Ord. 1055 N.S. § C (part), 1991; Ord. 1050 N.S. § 1 (part), 1991; Ord. 899 N.S. §§ 2 (part), 3 (part), 26 (part), 1989; Ord. 559 N.S. § A (part), 1981)

18.10.120 Trash containers.

Trash receptacles and enclosures as described in Section 18.74.505 shall be required from and after the effective date of the ordinance codified in this section. (Ord. 941 N.S. § 1, 1989)

Chapter 18.11

R-1 SINGLE-FAMILY LOW DENSITY DISTRICT

Sections:

- 18.11.010 Purpose of district.
- 18.11.020 Permitted uses.
- 18.11.030 Accessory uses.
- 18.11.040 Conditional uses.
- 18.11.050 Site development standards--Generally.
- 18.11.060 Site development standards--R-1 12,000 district.
- 18.11.070 Site development standards--R-1 20,000 district.
- 18.11.080 Additional required conditions.
- 18.11.090 Trash containers.

18.11.010 Purpose of district.

The R-1 single family low density residential districts are intended to promote and encourage a suitable environment for family life on medium size parcels of land. The R-1 single family low density districts are to be used only for suburban single-family homes, community services and facilities appurtenant thereto. (Ord. 1135 N.S. § 16, 1993)

18.11.020 Permitted uses.

The following uses shall be permitted in the R-1 district:

- A. Single-family dwellings;
- B. Special residential care facilities;
- C. Manufactured homes;
- D. Small family day care homes.
- E. Secondary dwelling units, as defined in Section 18.04.164 and Chapter 18.55 of this title. (Ord. 1135 N.S. § 16, 1993)

18.11.030 Accessory uses.

The following uses shall be permitted as accessory uses in the R-1 zoning districts:

- A. Private garages and parking areas;
- B. Private swimming pools and tennis courts, exclusively for the use of the residents and guests;
- C. Signs, complying with the regulations set out in Chapter 18.76 of this title;
- D. Home occupations;
- E. Other accessory uses and buildings customarily appurtenant to a permitted use. (Ord. 1135 N.S. § 16, 1993)

18.11.040 Conditional uses.

The following uses may be conditionally allowed in the R-1 districts, subject to issuance of a conditional use permit in accordance with Chapter 18.54 of this title:

- A. Public and quasi-public buildings and uses of an educational, religious, cultural or public-service type, not including corporation yards and warehouses;
- B. Community clubs, and other public and private noncommercial recreation areas and facilities;
- C. Hospitals and medical facilities, provided that such uses are located adjacent to an arterial road, as designated on the General Plan land use map; and
- D. Nursery schools and large family day care homes. (Ord. 1135 N.S. § 16, 1993)

18.11.050 Site development standards—Generally.

The site development standards set out in Sections 18.11.010 through 18.11.090 shall apply in the R-1 12,000 and R-1 20,000 districts, respectively. (Ord. 1135 N.S. § 16, 1993)

18.11.060 Site development standards—R-1 12,000 district.

R-1 12,000 standards are as follows:

- A. Minimum lot area, twelve thousand square feet;
- B. Minimum lot width, seventy-five feet;

- C. Minimum lot depth, one hundred feet;
- D. Maximum building coverage, forty percent;
- E. Minimum setbacks:
 - 1. Front, twenty-five feet,
 - 2. Rear, twenty-five feet,
 - 3. Side, ten feet;
- F. Maximum height, two and one-half stories, or thirty feet;
- G. Parking requirements, as specified in Chapter 18.50 of this title;
- H. Side Street Side Yard. A side yard along the side street lot line of a corner lot shall have a width of not less than fifteen feet or one-half the required depth of the front yard, whichever is greater;
- I. Cul-de-sac lot width, minimum of forty feet as measured along the front property line;
- J. All residential development fronting on an arterial street as defined by the general plan shall provide a minimum front yard setback of thirty feet; all residential development with rear or side yard areas adjacent to an arterial street shall provide a minimum fence/wall setback of fifteen feet with an average of twenty feet from the face of the curb. (Ord. 1135 N.S. § 16, 1993)

18.11.070 Site development standards—R-1 20,000 district.

R-1 20,000 standards are as follows:

- A. Minimum lot area, twenty thousand square feet;
- B. Minimum lot width, one hundred feet;
- C. Minimum lot depth, one hundred feet;
- D. Maximum building coverage, forty percent;
- E. Minimum setbacks:
 - 1. Front, twenty-five feet,
 - 2. Rear, twenty-five feet,
 - 3. Side, fifteen feet;
- F. Maximum height, two and one-half stories, or thirty feet;
- G. Parking requirements, as specified in Chapter 18.50 of this title;
- H. Side Street Side Yard. A side yard along the side street lot line of a corner lot shall have a width of not less than fifteen feet or one-half the required depth of the front yard, whichever is greater;
- I. Cul-de-sac lot width, minimum of forty feet as measured along the front property line;

J. All residential development fronting on an arterial street as defined by the general plan, shall provide a minimum front yard setback of thirty feet, or all residential development with rear or side yard areas adjacent to an arterial street shall provide a minimum fence/wall setback of fifteen feet with an average of twenty feet from the face of the curb. (Ord. 1135 N.S. § 16, 1993)

18.11.110 Additional required conditions.

A. Architectural and site plan approval shall be required of all uses situated on sensitive sites, as defined in Chapter 18.74 of this title.

B. Site plan and architectural approval are required of all conditional uses;

C. Residential development control system approval is required for all residential development in accordance with Chapter 18.78 of this title.

D. No building shall be constructed within fifty feet of a ridgeline, nor fifty feet of a perennial or intermittent stream. All proposed structures shall be constructed outside of the one-hundred-year floodplain unless such development is consistent with the limitations contained in Chapter 18.42 of this title.

E. All manufactured homes are subject to architectural review and approval by the community development director.

F. Driveways shall have a minimum length of twenty feet from the public right-of-way;

G. A detached accessory structure greater than one hundred square feet in area shall be located at least ten feet from the primary dwelling unit on the same lot, unless the structures are connected to the primary dwelling by a breezeway or similar passageway. A five-foot minimum separation between buildings shall be allowed for other accessory structures as provided in Section 18.56.030 of this title;

H. Residential development adjacent to Highway 101 shall provide a minimum setback of sixty feet. The first forty feet adjacent to the freeway within the setback shall remain clear of all residential dwellings. (Ord. 1135 N.S. § 16, 1993)

18.11.120 Trash containers.

Trash receptacles and enclosures as described in Section 18.74.505 shall be required from and after the effective date of the ordinance codified in this section. (Ord. 1135 N.S. § 16, 1993)

Chapter 18.12

R-1 SINGLE-FAMILY MEDIUM DENSITY DISTRICT

Sections:

- 18.12.010 Purpose of district.
- 18.12.020 Permitted uses.
- 18.12.030 Accessory uses.
- 18.12.040 Conditional uses.
- 18.12.050 Site development standards--Generally.
- 18.12.060 Site development standards--R-1 7,000 district.
- 18.12.070 Site development standards--R-1 9,000 district.
- 18.12.080 Additional required conditions. (Ord. 1135 N.S. § 16, 1993)

18.12.010 Purpose of district.

The R-1 district is intended to stabilize and protect the residential character of neighborhoods and to promote and encourage a suitable environment for family life. The R-1 district is intended for the suburban family home and the services appurtenant thereto. (Ord. 559 N.S. § A (part), 1981)

18.12.020 Permitted uses.

The following uses shall be permitted in the R-1 single-family medium density district:

- A. Single-family detached dwellings;
- B. Special residential care facilities;
- C. Duplex or two single-family attached dwellings on corner lots;
- D. Manufactured homes;
- E. Small family day care homes;
- F. Secondary dwelling units, as defined in Section 18.04.164 and Chapter 18.55 of this title. (Ord. 1135 N.S. §§ 18 & 19, 1993; Ord. 1050 N.S. § 1 (part), 1991; Ord. 899 N.S. §§ 2 (part), 4 (part), 1989; Ord. 726 N.S. § 1 (part), 1985; Ord. 587 N.S. § A (part), 1982; Ord. 559 N.S. § A (part), 1981)

18.12.030 Accessory uses.

The following are the accessory uses permitted in an R-1 district:

- A. Rooming and boarding of not more than two persons;
- B. Private garages and parking areas;
- C. Signs, complying with the applicable regulations set forth in Chapter 18.76 of this title;
- D. Home occupations;
- E. Other accessory uses and buildings customarily appurtenant to a permitted use;
- F. Private swimming pools and tennis courts, exclusively for the use of residents and guests. (Ord. 1135 N.S. § 20, 1993; Ord. 559 N.S. § A (part), 1981)

18.12.040 Conditional uses.

The following uses may be conditionally allowed in the R-1 district, subject to issuance of a conditional use permit in accordance with Chapter 18.54 of this title:

- A. Public and quasi-public buildings and uses for a recreational, educational, religious, cultural or public-service type, not including corporation yards, storage or repair yards, and warehouses;
- B. Community clubs, and other public and private noncommercial recreational areas and facilities, such as country clubs, golf courses and swimming pools;
- C. Hospitals and other medical facilities, provided that such uses are located adjacent to an arterial road, as designated on the General Plan land use map;
- D. Nursery schools and large family day care homes;
- F. Parking lots providing that such lots are adjacent to commercial zoning districts. (Ord. 1135 N.S. § 21, 1993; Ord. 908 N.S. § 5, 1989; Ord. 899 N.S. § 25 (part), 1989; Ord. 884 N.S. § 4 (part), 1988; Ord. 726 N.S. § 1 (part), 1985; Ord. 587 N.S. § A (part), 1982; Ord. 559 N.S. § A (part), 1981)

18.12.050 Site development standards—Generally.

The site development standards set out in Sections 18.12.060 and 18.12.070 shall apply in the R-1 7,000 and R-1 9,000 districts, respectively. (Ord. 559 N.S. § A (part), 1981)

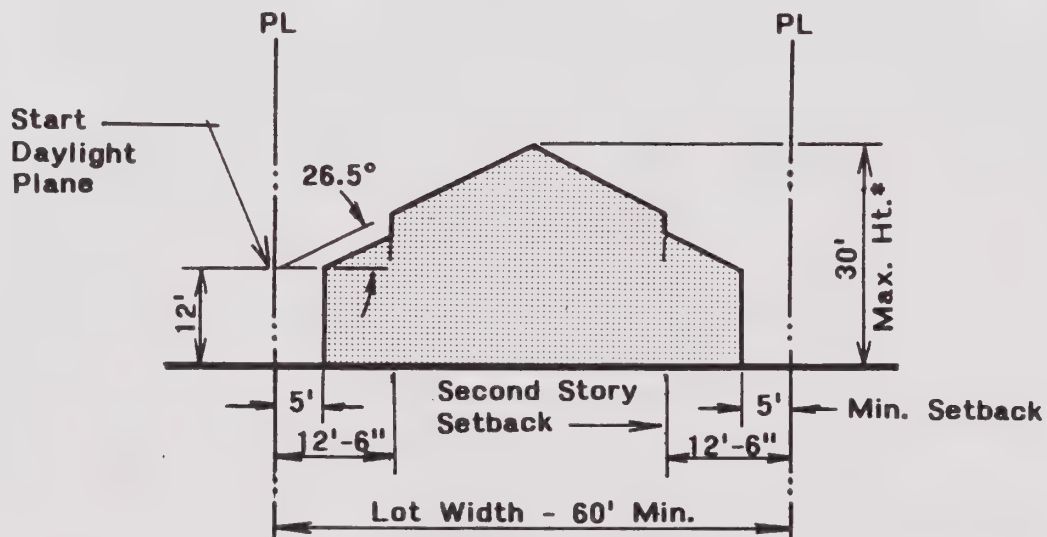
18.12.060 Site development standards—R-1 7,000 district.

R-1 7,000 standards are as follows:

- A. Minimum lot area:
 - 1. Seven thousand square feet,
 - 2. Seven thousand five hundred square feet, corner lots,
 - 3. Three thousand seven hundred fifty square feet for each duet unit on corner lots;
- B. Minimum lot width, sixty feet;
- C. Minimum lot depth, eighty-five feet;
- D. Maximum building coverage, fifty percent;
- E. Minimum setbacks:
 - 1. Front, twenty feet for the first story and twenty-five feet for the second story,
 - 2. Rear, twenty feet for the first story and twenty-five for the second story,
 - 3. Side, five feet for the first story and twelve and one-half feet for the second story;
 - 4. Side yard, zero feet for the attached side of a duet unit.
 - 5. A fifteen-foot minimum side yard setback shall be required when the side yard of a two-story residence is adjacent to a rear yard on an adjoining lot;
- F. Maximum Height. A daylight plane as depicted in Figure 18.12.060 shall be utilized. This plane starts at a height of twelve feet at the side property lines and proceeds inward at an angle of twenty-six and one-half degrees. The maximum overall height of the structure shall not exceed thirty feet. An architectural feature or roof line of a building may project beyond the daylight plane, provided the projection beyond the plane is not more than 1.2 times the single required side yard depth of the zoning district as measured along the roof ridge parallel to the front elevation of the building. The portion of an architectural feature or roof line which projects beyond the daylight plane shall not occupy, in aggregate, more than fifty percent of the length of the building on which it is located. This exception to the daylight plan shall be allowed only on one side of a building;
- G. Parking requirements, as specified in Chapter 18.50 of this title;
- H. Side Street Side Yard. A side yard along the side street lot line of a corner lot shall have a width of not less than fifteen feet or one-half the required depth of the front yard, whichever is greater;
- I. Cul-de-sac lot width, minimum of forty feet as measured along the front property line;

J. All residential development fronting on an arterial street as defined by the general plan, shall provide a minimum front yard setback of thirty feet, or all residential development with rear or side yard areas adjacent to an arterial street shall provide a minimum fence/wall setback of fifteen feet with an average of twenty feet from the face of the curb. (Ord. 1135 N.S. §§ 22, 23 & 24, 1993; Ord. 1055 N.S. § C (part), 1991; Ord. 1050 N.S. § 1 (part), 1991; Ord. 1045 N.S. § 2, 1991; Ord. 899 N.S. §§ 6 (part), 22 (part), 26 (part), 1989; Ord. 559 N.S. § A (part), 1981)

FIGURE 18.12.060



* Max. Ht. Is Less On Minimum Width Lots

Not To Scale

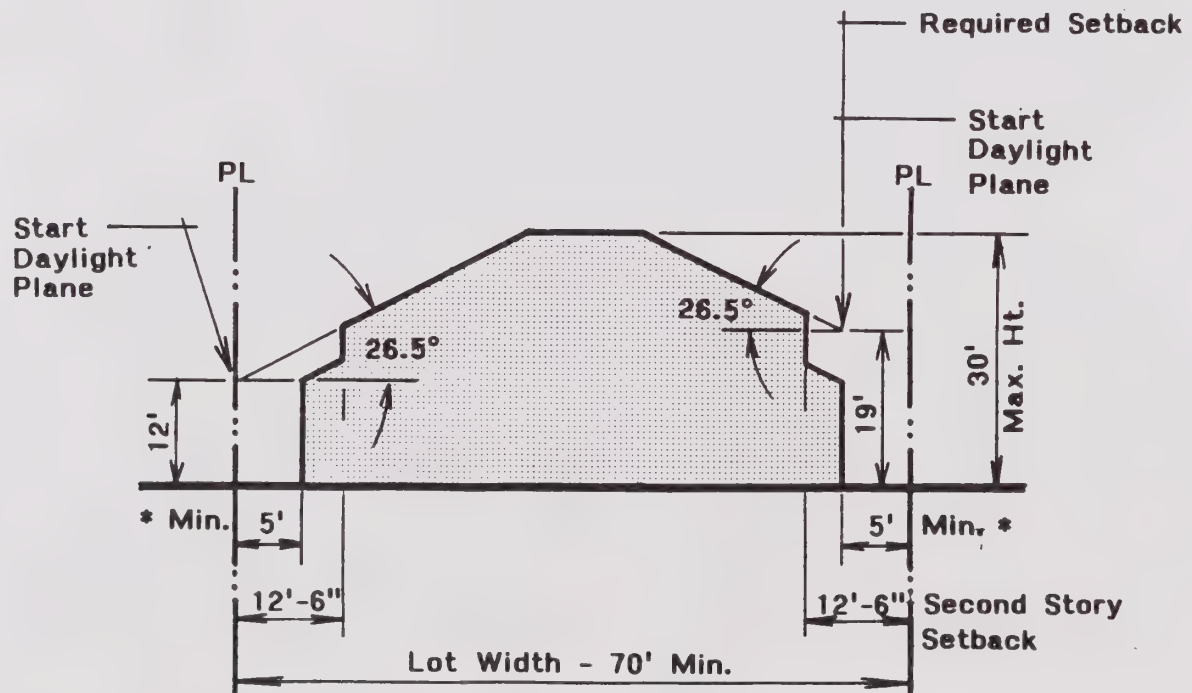
18.12.070 Site development standards--R-1 9,000 district.

R-1 9,000 standards are as follows:

- A. Minimum lot area:
 - 1. Nine thousand square feet,
 - 2. Four thousand five hundred square feet for each duet unit on corner lots;
- B. Minimum lot width, seventy feet;
- C. Minimum lot depth, eighty-five feet;
- D. Maximum building coverage, fifty percent;
- E. Minimum setbacks:
 - 1. Front, twenty feet for the first story and twenty-five for the second story,
 - 2. Rear, twenty feet for the first story and twenty-five feet for the second story,
 - 3. Side, the combined required minimum side yard setbacks shall be equal to twenty percent of the lot width, but in no case less than five feet
 - 4. Side yard, zero feet for the attached side of a duet unit.
 - 5. A fifteen-foot minimum side yard setback shall be required when the side yard of a two-story residence is adjacent to a rear yard on an adjoining lot;
- F. Maximum Height. A daylight plane as depicted in Figure 18.12.070 shall be utilized. This plane starts at a height of twelve feet at the side property line on one side of the lot and nineteen feet at the setback line on the opposite side of the lot and proceeds inward at an angle of twenty-six and one-half degrees. The maximum overall height of the structure shall not exceed thirty feet. An architectural feature or roof line may project beyond the daylight plane, provided the projection beyond the plane is not more than 1.2 times the single required side yard depth of the zoning district as measured along the roof ridge parallel to the front elevation of the building. The portion of an architectural feature or roof line which projects beyond the daylight plane shall not occupy, in aggregate, more than fifty percent of the length of the building on which it is located. This exception to the daylight plane shall be allowed only on one side of a building;
- G. Parking requirements, as specified in Chapter 18.50 of this title;
- H. Side Street Side Yard. A side yard along the side street lot line of a corner lot shall have a width of not less than fifteen feet or one-half the required depth of the front yard, whichever is greater;
- I. Cul-de-sac lot width, minimum of forty feet as measured along the front property line;
- J. All residential development fronting on an arterial street as defined by the general plan, shall provide a minimum front yard setback of thirty feet, or all residential

development with rear or side yard areas adjacent to an arterial street shall provide a minimum fence/wall setback of fifteen feet with an average of twenty feet from the face of the curb. (Ord. 1135 N.S. §§ 25, 26 & 27, 1993; Ord. 1055 N.S. § C (part), 1991; Ord. 1050 N.S. § 1 (part), 1991; Ord. 1045 N.S. § 3, 1991; Ord. 899 N.S. §§ 6 (part), 22 (part), 26 (part), 1989; Ord. 559 N.S. § A (part), 1981)

FIGURE 18.12.070



* Combined Sideyard Setbacks Shall Equal 20% Of Lot Width

Not To Scale

18.12.080 Additional required conditions.

The following additional conditions shall apply in the R-1 district:

- A. Site plan and architectural approval are required of all conditional uses;
- B. Driveways shall have a minimum length of twenty feet from the public right-of-way;
- C. Architectural and site plan approval shall be required of all uses situated on sensitive sites, as defined in Chapter 18.74 of this title;
- D. Residential development control system approval is required for all development in accordance with Chapter 18.78 of this title;
- E. No building shall be constructed within fifty feet of a ridgeline, nor fifty feet of a perennial or intermittent stream. All proposed structures shall be constructed outside of the one-hundred-year floodplain unless such development is consistent with the limitations contained in Chapter 18.42 of this title;
- F. All manufactured homes are subject to architectural and site plan approval by the community development director;
- G. Up to a twenty-six foot wide portion of the front elevation of a building may be set back a minimum of fifteen feet from the front property line. Reduced setbacks of between fifteen and twenty feet shall be allowed on no more than fifty percent of the homes in a given development. Also, no more than three houses in a row on the same side of the street may utilize setbacks that are less than twenty feet;
- H. A minimum setback of twenty feet shall be required for the garage where access to the garage is perpendicular to the street. A roll-up garage door shall also be required when the minimum driveway length as measured behind the edge of the sidewalk is less than twenty-two feet;
- I. A chimney or other architectural projection may encroach into the five-foot minimum side yard area a distance not to exceed one foot;
- J. A detached accessory structure greater than one hundred square feet in area shall be located at least ten feet from the primary dwelling unit on the same lot, unless the structures are connected to the primary dwelling by a breezeway or similar passageway. A five-foot minimum separation between buildings shall be allowed for other accessory structures as provided in Section 18.56.030 of this title;
- K. Residential development adjacent to Highway 101 shall provide a minimum setback of sixty feet. The first forty feet adjacent to the freeway within the setback shall remain clear of all residential dwellings. (Ord. 1135 N.S. § 28, 1993; Ord. 1111 N.S. § 7, 1992; Ord. 1055 N.S. § C (part), 1991; Ord. 1050 N.S. § 1 (part), 1991; Ord. 1045 N.S. § 4, 1991; Ord. 899 N.S. §§ 2 (part), 3 (part), 1989; Ord. 559 N.S. § A (part), 1981)

Chapter 18.14

R-2 MEDIUM-DENSITY RESIDENTIAL DISTRICT

Sections:

- 18.14.010 Purpose of district.
- 18.14.020 Permitted uses.
- 18.14.030 Accessory uses.
- 18.14.040 Conditional uses.
- 18.14.050 Site development standards--Generally.
- 18.14.060 Site development standards--R-2 3,500 district.
- 18.14.070 Site development standards--R-2 3,000 district.
- 18.14.080 Additional required conditions.
- 18.14.090 Trash containers.

18.14.010 Purpose of district.

The R-2 district is intended to stabilize and protect the residential character of neighborhoods and to promote and encourage a suitable environment for family life. The R-2 district is intended for suburban detached or attached family homes, and the community services appurtenant thereto. (Ord. 559 N.S. § A (part), 1981)

18.14.020 Permitted uses.

The following uses shall be permitted in the R-2 district:

- A. One single-family detached dwelling per lot of record prior to July 5, 1990;
- B. Duplex or single-family attached dwellings;
- C. Multifamily dwellings;
- D. Special residential care facilities;
- E. Manufactured homes;
- F. Small family day care homes. (Ord. 1050 N.S. § 1 (part), 1991; Ord. 899 N.S. §§ 2 (part), 4 (part), 1989; Ord. 726 N.S. § 1 (part), 1985; Ord. 587 N.S. § A (part), 1982; Ord. 559 N.S. § A (part), 1981)

18.14.030 Accessory uses.

The following uses are the accessory uses permitted in the R-2 district:

- A. Signs, complying with the applicable regulations set forth in Chapter 18.76 of this title;
- B. Private garage and parking areas;
- C. Home occupations;
- D. Other accessory uses and buildings customarily appurtenant to a permitted use. (Ord. 559 N.S. § A (part), 1981)

18.14.040 Conditional uses.

The following uses may be conditionally allowed in the R-2 district, subject to issuance of a conditional use permit, in accordance with Chapter 18.54 of this title:

- A. Social halls, lodges, fraternal organizations, clubs and bars, except those operated as a business for profit;
- B. Roominghouses and boardinghouses for not over six guests;
- C. Licensed nursing homes and convalescent hospitals having less than fifteen patient beds;
- D. Public and quasi-public buildings and uses of a recreational, educational, religious, cultural or public-service type, not including corporation yards, storage or repair yards, and warehouses;
- E. Hospitals and other medical facilities, provided that such uses are located adjacent to an arterial road, as designated on the General Plan land use map;
- G. Parking areas adjacent to commercial zoning districts;
- H. Nursery schools and large family day care homes;
- I. Mobile home parks. (Ord. 1050 N.S. § 1 (part), 1991; Ord. 726 N.S. § 1 (part), 1985; Ord. 587 N.S. § A (part), 1982; Ord. 559 N.S. § A (part), 1981)

18.14.050 Site development standards—Generally.

The site development standards set out in Sections 18.14.060 and 18.14.070 shall apply in the R-2 3,500 and R-2 3,000 districts, respectively. (Ord. 559 N.S. § A (part), 1981)

18.14.060 Site development standards—R-2 3,500 district.

R-2 3,500 standards are as follows:

- A. Minimum lot area:
 - 1. Seven thousand square feet,
 - 2. Seven thousand five hundred square feet, corner lots;
- B. Minimum site area per dwelling unit, three thousand five hundred square feet;
- C. Minimum lot width, sixty feet;
- D. Minimum lot depth, eighty-five feet;
- E. Maximum building coverage, fifty percent;
- F. Minimum setbacks:
 - 1. Front, twenty feet,
 - 2. Rear, fifteen feet, twenty feet for two-story, located adjacent to a single-family zoning district,
 - 3. Side, five feet;
- G. Maximum height, two and one-half stories, or thirty feet;
- H. Side Street Side Yard. A side yard along the side street lot line of a corner lot shall have a width of not less than fifteen feet or one-half the required depth of the front yard, whichever is greater;
- I. Cul-de-sac lot width, minimum of forty feet as measured along the front property line;
- J. All residential development fronting on an arterial street as defined by the general plan, shall provide a minimum front yard setback of thirty feet, or all residential development with rear or side yard areas adjacent to an arterial street shall provide a minimum fence/wall setback of fifteen feet with an average of twenty feet from the face of the curb;
- K. Parking requirements, as specified in Chapter 18.50 of this title. (Ord. 1055 N.S. § C (part), 1991; Ord. 899 N.S. §§ 6 (part), 22 (part), 1989; Ord. 559 N.S. § A (part), 1981)

18.14.070 Site development standards—R-2 3,000 district.

R-2 3,000 standards are as follows:

- A. Minimum lot area:
 - 1. Six thousand square feet,
 - 2. Six thousand five hundred square feet, corner lots;

- B. Minimum site area per dwelling unit, three thousand square feet;
- C. Minimum lot width, sixty feet;
- D. Minimum lot depth, eighty-five feet;
- E. Maximum building coverage, fifty percent;
- F. Minimum setbacks:
 - 1. Front, twenty feet,
 - 2. Rear, fifteen feet, twenty feet for two-story located adjacent to a single-family zoning district,
 - 3. Side, five feet;
- G. Maximum height, two and one-half stories, or thirty feet;
- H. Side Street Side Yard. A side yard along the side street lot line of a corner lot shall have a width of not less than fifteen feet or one-half the required depth of the front yard, whichever is greater;
- I. Cul-de-sac lot width, minimum of forty feet as measured along the front property line;
- J. All residential development fronting on an arterial street as defined by the general plan, shall provide a minimum front yard setback of thirty feet, or all residential development with rear or side yard areas adjacent to an arterial street shall provide a minimum fence/wall setback of fifteen feet with an average of twenty feet from the face of the curb;
- K. Parking requirements, as specified in Chapter 18.50 of this title. (Ord. 1055 N.S. § C (part), 1991; Ord. 1050 N.S. § 1 (part), 1991; Ord. 899 N.S. §§ 6 (part), 22 (part), 1989; Ord. 559 N.S. § A (part), 1981)

18.14.080 Additional required conditions.

The following additional conditions shall apply in an R-2 district:

- A. Site plan and architectural plan approval are required of all dwellings except a single-family home, a duplex on one lot, or a single unit addition to an existing structure.
- B. Site plan and architectural approval are required of all conditional uses.
- C. Architectural and site plan approval shall be required of all uses situated on sensitive sites, as defined in Chapter 18.74 of this title.
- D. Residential development control system approval is required for all residential development in accordance with Chapter 18.78 of this title.
- E. All manufactured homes are subject to architectural and site plan approval by the community development director.

F. No building shall be constructed within fifty feet of a ridgeline, nor fifty feet of a perennial or intermittent stream. All proposed structures shall be constructed outside of the one-hundred-year floodplain unless such development is consistent with the limitations contained in Chapter 18.42 of this title.

G. Residential development adjacent to Highway 101 shall provide a minimum setback of sixty feet. The first forty feet adjacent to the freeway within the setback shall remain clear of all residential dwellings. (Ord. 1111 N.S. § 8, 1992; Ord. 1055 N.S. § C (part), 1991; Ord. 1050 N.S. § 1 (part), 1991; Ord. 899 N.S. §§ 2 (part), 3 (part), 26 (part), 1989; Ord. 559 N.S. § A (part), 1981)

18.14.090 Trash containers.

Trash receptacles and enclosures as described in Section 18.74.505 shall be required from and after the effective date of the ordinance codified in this section. (Ord. 941 N.S. § 2, 1989)

Chapter 18.16

R-3 MEDIUM-DENSITY RESIDENTIAL DISTRICT

Sections:

- 18.16.010 Purpose of district.
- 18.16.020 Permitted uses.
- 18.16.030 Accessory uses.
- 18.16.040 Conditional uses.
- 18.16.050 Site development standards.
- 18.16.060 Additional required conditions.
- 18.16.070 Trash containers.

18.16.010 Purpose of district.

The R-3 district is intended to stabilize and protect the residential character of neighborhoods, and to promote a suitable environment for family and adult communities in a higher-density environment than other residential zoning categories would allow. (Ord. 559 N.S. § A (part), 1981)

18.16.020 Permitted uses.

The following uses shall be permitted in the R-3 district:

- A. One single-family detached dwelling per lot of record established prior to July 5, 1990;
- B. Multi-family, duplex or single-family attached dwellings;
- C. Special residential care facilities;
- D. Manufactured homes;
- E. Small family day care homes. (Ord. 1135 N.S. § 29, 1993; Ord. 1050 N.S. § 1 (part), 1991; Ord. 899 N.S. §§ 2 (part), 3 (part), 1989; Ord. 726 N.S. § 1 (part), 1985; Ord. 587 N.S. § A (part), 1982; Ord. 559 N.S. § A (part), 1981)

18.16.030 Accessory uses.

The following are the accessory uses permitted in the R-3 district:

- A. Signs, complying with the applicable regulations set forth in Chapter 18.76 of this title;
- B. Private garages and parking areas;
- C. Home occupations;
- D. Other accessory uses and accessory buildings customarily appurtenant to a permitted use. (Ord. 559 N.S. § A (part), 1981)

18.16.040 Conditional uses.

The following uses may be conditionally allowed in the R-3 district, subject to issuance of a conditional use permit in accordance with Chapter 18.54 of this title:

- A. Roominghouses and boardinghouses;
- B. Social halls, lodges, fraternal organizations and clubs, and community clubs, except those operated for profit;
- C. Licensed nursing homes and convalescent hospitals;
- D. Public and quasi-public buildings and uses of a recreational, educational, religious, cultural or public-service type, but not including corporation yards, storage or repair yards, and warehouses;
- E. Hospitals and other medical facilities, provided that such uses are located adjacent to an arterial road, as designated on the General Plan land use map;
- F. Nursery schools and large family day care homes;
- G. Parking lots providing that such lots are adjacent to commercial zoning districts. (Ord. 899 N.S. § 25 (part), 1989; Ord. 726 N.S. § 1 (part), 1985; Ord. 587 N.S. § A (part), 1982; Ord. 559 N.S. § A (part), 1981)

18.16.050 Site development standards.

The following site development standards shall apply in the R-3 district:

- A. Minimum lot area:
 - 1. Six thousand square feet,
 - 2. Four thousand five hundred square feet, corner lots;
- B. Minimum site area per dwelling unit, two thousand square feet;
- C. Minimum lot width, sixty feet;

- D. Minimum lot depth, eighty-five feet;
- E. Maximum building coverage, sixty percent;
- F. Minimum setbacks:
 - 1. Front, fifteen feet,
 - 2. Rear, twenty feet,
 - 3. Side, five feet;
- G. Maximum height, two and one-half stories, or thirty feet;
- H. Side Street Side Yard. A side yard along the side street lot line of a corner lot shall have a width of not less than fifteen feet or one-half the required depth of the front yard, whichever is greater;
 - I. Cul-de-sac lot width, minimum of forty feet as measured along the front property line;
 - J. All residential development fronting on an arterial street as defined by the general plan, shall provide a minimum front yard setback of thirty feet, or all residential development with rear or side yard areas adjacent to an arterial street shall provide a minimum fence/wall setback of fifteen feet with an average of twenty feet from the face of the curb. (Ord. 1055 N.S. § C (part), 1991; Ord. 1050 N.S. § 1 (part), 1991; Ord. 899 N.S. §§ 6 (part), 22 (part), 1989; Ord. 559 N.S. § A (part), 1981)

18.16.060 Additional required conditions.

- A. Site plan and architectural approval is required of all dwellings permitted, except a single-family home, a duplex on one lot or a single unit addition to an existing structure.
- B. Site plan and architectural approval are required of all conditional uses.
- C. Architectural and site plan approval shall be required of all uses situated on sensitive sites, as defined in Chapter 18.74 of this title.
- D. Residential development control system approval is required for all residential development in accordance with Chapter 18.78 of this title.
- E. All manufactured homes are subject to site and architectural plan approval by the community development director.
- F. No building shall be constructed within fifty feet of a ridgeline, nor fifty feet of a perennial or intermittent stream. All proposed structures shall be constructed outside of the one-hundred-year floodplain unless such development is consistent with the limitations contained in Chapter 18.42 of this title.
- G. Residential development adjacent to Highway 101 shall provide a minimum setback of sixty feet. The first forty feet adjacent to the freeway within the

setback shall remain clear of all residential dwellings. (Ord. 1111 N.S. § 9, 1992; Ord. 1055 N.S. § C (part), 1991; Ord. 1050 N.S. § 1 (part), 1991; Ord. 899 N.S. §§ 2 (part), 3 (part), 26 (part), 1989; Ord. 559 N.S. § A (part), 1981)

18.16.070 Trash containers.

Trash receptacles and enclosures as described in Section 18.74.505 shall be required from and after the effective date of the ordinance codified in this section. (Ord. 941 N.S. § 3, 1989)

Chapter 18.18

RPD RESIDENTIAL PLANNED DEVELOPMENT OVERLAY DISTRICT

Sections:

- 18.18.010 Purpose of district.
- 18.18.020 Permitted uses.
- 18.18.030 Accessory uses.
- 18.18.040 Conditional uses.
- 18.18.050 Applicability.
- 18.18.060 Amenities--Number required.
- 18.18.070 Amenities--Designated.
- 18.18.080 Lot coverage.
- 18.18.090 Off-street parking.
- 18.18.100 Open space area.
- 18.18.110 Density bonus conditions.
- 18.18.120 Preliminary plan--Contents--Submittal.
- 18.18.130 Precise development plan--Contents--Submittal.
- 18.18.140 Preliminary precise development plan--Review and approval.
- 18.18.150 Subdivision requirements.

18.18.010 Purpose of district.

The RPD residential planned development overlay district is intended to permit and encourage flexibility of site planning, with appropriate safeguards and controls for residential development, by allowing variations from the standards specified elsewhere in Division I of this title. Relaxation of lot sizes, yards and density requirements will be permitted when, in the opinion of the planning commission and approval of the city council, the proposed development will enhance the area in which it is proposed, by exceptional design and arrangement of buildings, provision of open space and landscaping, the protection of the welfare and privacy of adjoining property, or the construction and reservation of housing units for lower income or senior households. (Ord. 1009 N.S. § 1 (part), 1991; Ord. 559 N.S. § A (part), 1981)

18.18.020 Permitted uses.

The following uses shall be permitted in the RPD district:

- A. Single-family dwellings;
- B. Special residential care facilities;
- C. Multiple-family dwellings. (Ord. 726 N.S. § 1 (part), 1985; Ord. 587 N.S. § A (part), 1982; Ord. 559 N.S. § A (part), 1981)

18.18.030 Accessory uses.

The following uses are the accessory uses permitted in the RPD district:

- A. Signs, complying with the applicable regulations set forth in Chapter 18.76 of this title;
- B. Private garages and parking areas;
- C. Home occupations;
- D. Other accessory uses and buildings customarily appurtenant to a permitted use. (Ord. 559 N.S. § A (part), 1981)

18.18.040 Conditional uses.

The following uses may be conditionally allowed in the RPD district, subject to issuance of a conditional use permit in accordance with Chapter 18.54 of this title:

- A. Social halls, lodges, fraternal organizations and clubs, except those operated as a business for profit;
- B. Licensed nursing homes and convalescent hospitals, having less than fifteen patient beds;
- C. Public and quasi-public buildings and uses of a recreational, educational, religious, cultural or public-service type, not including corporation yards, storage or repair yards, and warehouses;
- D. Hospitals and other medical facilities, provided that such uses are located adjacent to an arterial road, as designated on the General Plan land use map;
- E. Nursery schools and large family day care homes. (Ord. 726 N.S. § 1 (part), 1985; Ord. 587 N.S. § A (part), 1982; Ord. 559 N.S. § A (part), 1981)

18.18.050 Applicability.

A. All single-family and multifamily residential developments which are proposed to be developed using standards which deviate from those of the underlying zoning district and all residential condominium or townhouse development shall develop only in a residential planned unit development district. To apply for a residential planned unit district, the applicant shall file an application for rezoning to RPD with the community development department. Development densities shall be limited to those of the underlying zoning classification, except that density bonuses may be granted pursuant to the provisions of Chapter 18.47 of this title and this chapter.

B. The city council may initiate a residential planned district zone in accordance with the procedures set forth in Chapter 18.62 of this title without a development plan submittal. However, future development of residential planned development district land would then be subject to development plan submittal requirements and all other requirements specified in this chapter.

C. Side Street Side Yard. A side yard along the side street lot line of a corner lot shall have a width of not less than fifteen feet or one-half the required depth of the front yard, whichever is greater.

D. Cul-de-sac lot width, minimum of forty feet as measured along the front property line. (Ord. 1009 N.S. § 1 (part), 1991; Ord. 899 N.S. §§ 6 (part), 8 (part), 22 (part), 1989; Ord. 559 N.S. § A (part), 1981)

18.18.060 Amenities—Number required.

A. Minimum amenities for a residential planned development shall be provided as follows:

1. Fifteen to twenty-four dwelling units, one amenity;
2. Twenty-five to forty-nine dwelling units, two amenities;
3. Fifty to ninety-nine dwelling units, three amenities;
4. One hundred or more dwelling units, four amenities, plus an additional amenity for each fifty dwelling units beyond one hundred.

B. Waiver of the amenities required shall be considered by the planning commission and city council for a residential planned development which provide housing for lower income or senior households as defined in Chapter 18.47 of this title. (Ord. 1009 N.S. § 1 (part), 1991; Ord. 899 N.S. § 8 (part), 1989; Ord. 611 N.S. § A, 1983; Ord. 559 N.S. § A (part), 1981)

18.18.070 Amenities—Designated.

A. Amenities for a residential planned development project shall include any combination of the following:

1. Playlots;
2. Swimming pool;
3. Tennis court;
4. Recreational hall (meeting room, assembly hall, etc.);
5. Exercise room and/or recreation building;
6. Shuffleboard, horseshoes, bowling green, etc.;
7. Handball courts;
8. Racquetball court and/or squash court;
9. Basketball courts;
10. Open space;
11. Passive recreation area and/or gardens;
12. Par 3 golf course and/or pitch-and-putt golf;
13. Bridle paths;
14. Any proposed amenity found by the planning commission to provide recreation or meet the needs of the project residents to a level similar to that provided by the above.

B. All amenities provided will be selected by the developer subject to planning commission review. Recreational amenities shall be designed to serve the anticipated inhabitants of the project. (Ord. 559 N.S. § A (part), 1981)

18.18.080 Lot coverage.

Lot coverage shall not exceed that prescribed by the underlying zone classification, with the exception of a planning commission grant of a density bonus as described below. (Ord. 559 N.S. § A (part), 1981)

18.18.090 Off-street parking.

Required off-street parking shall be provided, as described in Chapter 18.50 of this title. Additional parking for storage of recreational vehicles, trailers and other miscellaneous vehicles shall be provided at the rate of one space per seven dwelling units, and shall be adequately secured; or the conditions, covenants and restrictions

(CC&R's) shall provide for no recreational vehicle parking. (Ord. 559 N.S. § A (part), 1981)

18.18.100 Open space area.

A. Minimum open space area required shall be provided for at the following residential zoning category rates:

1. R-E, R-1 densities, sixty percent;
2. R-2 density, fifty percent;
3. R-3 density, forty percent, unless waived or modified as provided for under

Section 18.18.060(B).

B. At least one-half of the total open space requirements shall be devoted to open space usable by the residents, and for such use be suitable in the following particulars: Physical surface characteristics, area dimensions, location, and physical improvements. (Ord. 1009 N.S. § 1 (part), 1991; Ord. 559 N.S. § A (part), 1981)

18.18.110 Density bonus conditions.

A. The planning commission may authorize an increase in allowable dwelling unit density for a residential project design which is exceptionally beneficial to the residents and users of the project and to the neighborhood or for those residential projects that assist in meeting the lower income or senior housing needs of the community. When a developer has complied with the requirements of Chapter 18.78 or has received the maximum number of evaluation points under the corresponding section of Chapter 18.78 and the planning commission makes the finding that the proposed residential development meets the minimum requirements for building allotments or the amenities exceed the minimum required and are considered of exceptionally high-quality design by the planning commission, the planning commission may, with the approval of precise development plans, award a density increase. The total density bonus shall not exceed twenty-five percent of the density normally allowed inclusive of bonuses for both project design and affordability.

B. The applicant may be awarded maximum density bonuses in each of the following categories:

1. Providing housing units for lower income or senior households as provided in Chapter 18.47, up to a twenty-five percent density bonus;

2. Providing energy conservation measures and installation of alternative energy equipment, i.e., including but not limited to solar-powered heaters, or other innovative technological solutions (corresponding Section 18.78.280), five-percent density bonus;
3. Providing architectural design, site and landscape which:
 - a. Compliments surrounding architectural development,
 - b. Pedestrian circulation that ties into surrounding development by extending well-designed pedestrian walkways and pathways as a part of a master planned system,
 - c. Compliments specific city design plans, (Street beautification, linear park, buffer along incompatible land use, etc.) five-percent density bonus. (Ord. 1009 N.S. § 1 (part), 1991; Ord. 899 N.S. § 2 (part), 1989; Ord. 559 N.S. § A (part), 1981)

18.18.120 Preliminary plan—Contents—Submittal.

- A. New residential planned development and residential condominiums shall be subject to Chapter 18.78 of this title. A request for the establishment of a residential planned development district shall be accompanied by the following information, unless the overlay district is initiated by the city, in which case the requirements shall be the responsibility of any subsequent applicant.
- B. The preliminary development plan shall contain the following information:
 1. Scale, North arrow, and title block;
 2. Name and address of owner, project engineer and project architect;
 3. Vicinity map and legal description;
 4. Boundary lines and dimensions of the property, with an indication of the surrounding land uses and lot configuration;
 5. Location of any creeks, streams, existing trees greater than four inches in diameter, and groupings of trees;
 6. Existing topographical information at an appropriate scale, and any other unique natural features;
 7. Location and dimension of all existing and proposed buildings, vehicle and pedestrian circulation ways, recreational amenities, parking areas, landscaped areas, and any other purposeful uses on the project. If development is to occur in phased construction, such phases shall be identified;
 8. Calculation of area, and percentage of the total devoted to building coverage, parking, circulation, and usable open space. An indication of the total number of dwelling units with a breakdown by bedroom count per dwelling unit;

9. Schematic drawings and renderings depicting architectural design of buildings and structures proposed;
10. Supplemental written material, to include:
 - a. A statement of planning objectives to be achieved, and a description of the character of the proposed residential planned development district,
 - b. A development scheme, indicating all phasing of construction,
 - c. A statement of the applicant's intention with regard to the sale or lease of the units, and provisions for maintenance of the common area and features;
11. Project applications and the required fees. (Ord. 559 N.S. § A (part), 1981)

18.18.130 Precise development plan—Contents—Submittal.

Upon approval of the preliminary development plan, the applicant shall submit a precise development plan, as described herein:

- A. A development plan, signed by the owner and project engineer or architect, in substantial conformance to the approved preliminary development plan;
- B. Information necessary for the planning commission, including drawings of the building elevations, site and grading plans, landscape plans, and all signs proposed;
- C. Project application and required fees. (Ord. 559 N.S. § A (part), 1981)

18.18.140 Preliminary precise development plan—Review and approval.

A. The procedure for review and approval to establish a residential planned development district for construction of planned development units or condominium units is as follows:

1. Submission of application for RPD zone classification to the community development department, including the development plans and supportive materials; staff review for completion of submittal requirements and adequacy of project design;
2. Planning commission review for approval of rezoning request and preliminary development plan in a public hearing;
3. City council approval of the preliminary development plan and the conditions thereon, and the rezoning request. (Within one year after the effective date of the amendment to the zoning map, the applicant shall file with the community development department a precise development plan and necessary supportive material, as described in Section 18.18.130, for staff review of its conformity to the preliminary development plan. Failure to provide required documents within a one-year period shall

result in a revision of the pertinent zoning to the previous zoning district. This reversion clause shall not apply to city-initiated rezonings.)

4. Community development director approval of site plan, landscape plan, building design, and sign program for all developments except for custom lot developments;

5. Review of environmental impact information, as required by the California Environmental Quality Act;

6. Planning commission review and finding that the precise development plan is in substantial conformance to the preliminary development plan.

B. No building shall be constructed within fifty feet of a ridgeline, nor fifty feet of a perennial or intermittent stream. All proposed structures shall be constructed outside of the one-hundred-year floodplain. (Ord. 1111 N.S. § 10, 1992; Ord. 860 N.S. § 2, 1988; Ord. 559 N.S. § A (part), 1981)

18.18.150 Subdivision requirements.

A. Prior to the construction and sale of any units, the applicant shall have received all necessary approvals to subdivide in conformance to the precise development plan. Approval of any subdivision shall be as required by Division I of this title. With the submission of the tentative map, the applicant shall provide for review by the city attorney a copy of all organizational documents, these organizational documents to show all conditions of the plans and specifications for the development of the project as approved, and the requirements of Division I of this title.

B. Prior to construction of any units, the applicant shall have received all necessary approvals of off-site improvement plans. The city engineer and chief building official shall review and approve all grading plans. (Ord. 559 N.S. § A (part), 1981)

Chapter 18.19

PUBLIC FACILITIES DISTRICT

Sections:

- 18.19.010 Purpose of district.
- 18.19.020 Permitted uses.
- 18.19.030 Conditional uses.
- 18.19.040 Site development standards.
- 18.19.050 Additional required conditions.

18.19.010 Purpose of district.

The PF public facilities district is intended to accommodate governmental, public utility, educational and community service or recreational facilities. The PF district is intended to be applied to existing public facilities as identified by the general plan and other areas where deemed appropriate. (Ord. 1050 N.S. § 1 (part), 1991)

18.19.020 Permitted uses.

The following uses shall be permitted in the PF public facilities district:

A. All facilities owned or leased and operated or used by the city, the county, the state, the government of the United States or the Morgan Hill Unified School District. (Ord. 1050 N.S. § 1 (part), 1991)

18.19.030 Conditional uses.

The following uses may be conditionally allowed in the PF public facilities district, subject to issuance of a conditional use permit in accordance with Chapter 18.54 of this title:

A. Facilities of all public utilities, as defined in the Public Utilities Code of the state, and corporations or other organizations whose activities are under the jurisdiction of the Federal Communications Commission or the Interstate Commerce Commission;

B. Public or private educational facilities;

- C. Day care centers;
 - D. Community centers;
 - E. Residential care facilities, when utilizing existing structures on the same site;
 - F. Business or trade schools;
 - G. Outdoor recreation services;
 - H. Neighborhood recreation centers;
 - I. Art, dance, gymnastic, exercise or music studios or classes;
 - J. Special education classes;
 - K. Hospitals, public or private and facilities incidental or appurtenant thereto;
 - L. Cemeteries;
 - M. Churches, lodges and assembly halls;
 - N. Parking structures or facilities;
 - O. Any other use which the planning commission finds to be of similar nature to the permitted or conditional uses specified in this chapter for the PF zoning district.
- (Ord. 1050 N.S. § 1 (part), 1991)

18.19.040 Site development standards.

The following site development regulations shall apply in the PF district:

- A. Minimum lot area, not specified;
- B. Minimum lot width, not specified;
- C. Minimum lot depth, not specified;
- D. Maximum building coverage, fifty percent;
- E. Minimum setbacks: the minimum front, side and rear yards in the PF public facilities district shall be equal to the respective front, side and rear yards required in the most restrictive abutting district, provided that no yard adjoining a street shall be less than twenty feet and that no interior yard shall be less than ten feet;
- F. Maximum height, three stories, or thirty-five feet;
- G. Parking requirements, as specified in Chapter 18.50 of this title;
- H. Side street side yard: a side yard along the side street lot line of a corner lot shall have a width of not less than fifteen feet or one-half the required depth of the front yard, whichever is greater;
- I. Cul-de-sac lot width, minimum of four feet as measured along the front property line;

J. Areas used for outdoor storage shall meet the minimum design standards applicable to off-street parking facilities with respect to paving, grading, drainage, access to public streets, safety and protective features, lighting, landscaping and screening;

K. All uses, whether permitted or conditional, shall be conducted in such a manner so as to avoid any nuisance, hazard or commonly recognized offensive condition or characteristic, as established by the performance standards of Chapter 18.48 of this title;

L. Signs shall be regulated in accordance with Chapter 18.76 of this title.
(Ord. 1050 N.S. § 1 (part), 1991)

18.19.050 Additional required conditions.

A. Architectural and site plan approval shall be required of all uses as defined in Chapter 18.74 of this title. (Ord. 1111 N.S. § 11, 1992; Ord. 1050 N.S. § 1 (part), 1991)

Chapter 18.20

CN NEIGHBORHOOD COMMERCIAL DISTRICT

Sections:

- 18.20.010 Purpose of district.
- 18.20.020 Permitted uses.
- 18.20.030 Conditional uses.
- 18.20.040 Site development standards.
- 18.20.050 Additional required conditions.

18.20.010 Purpose of district.

The CN neighborhood commercial district is intended to create and maintain neighborhood shopping areas primarily accommodating offices, personal service, and retail sales uses of moderate size, serving the immediate neighborhood under regulations that will assure compatibility with surrounding residential uses. (Ord. 559 N.S. § A (part), 1981)

18.20.020 Permitted uses.

The following uses shall be permitted in the CN neighborhood commercial district:

- A. Retail stores;
- B. Offices;
- C. Personal services;
- D. Grocery stores;
- E. Professional offices. (Ord. 1135 N.S. § 30, 1993; Ord. 559 N.S. § A (part), 1981)

18.20.030 Conditional uses.

The following uses may be conditionally allowed in the CN neighborhood commercial district, subject to issuance of a conditional use permit in accordance with Chapter 18.54 of this title:

-
- A. Service stations;
 - B. Day care centers;
 - C. Animal care facilities;
 - D. Licensed nursing home;
 - E. Private clubs, lodges or fraternal organizations;
 - F. Business and trade schools;
 - G. Utility facilities essential to provision of utility services to the neighborhood, but excluding construction or storage yards, maintenance facilities, or corporation yards;
 - H. Ambulance services;
 - I. Restaurants;
 - J. Drive-in establishments;
 - K. Any other use which the planning commission finds to be of a similar nature to the permitted or conditional uses specified in this chapter for the CN zoning district. (Ord. 1055 N.S. § C (part), 1991; Ord. 846 N.S. § 1 (part), 1987; Ord. 559 N.S. § A (part), 1981)

18.20.040 Site development standards.

The following site development standards shall apply in the CN neighborhood commercial district:

- A. Minimum zoning district area, two acres;
- B. Minimum lot area, twenty thousand square feet;
- C. Minimum lot width, one hundred feet;
- D. Minimum lot depth, one hundred feet;
- E. Maximum building coverage, fifty percent;
- F. Minimum setbacks:
 - 1. Front, forty feet,
 - 2. Rear, forty feet,
 - 3. Side, forty feet;
- G. Maximum height, two and one-half stories or thirty feet;
- H. Landscaping. Landscaping must cover a minimum of ten percent of the site, and be designed to assure screening of loading, storage, refuse and other unsightly areas;
- I. Side Street Side Yard. A side yard along the side street lot line of a corner lot shall have a width of not less than fifteen feet or one-half the required depth of the front yard, whichever is greater;

J. Cul-de-sac lot width, minimum of forty feet as measured along the front property line;

K. Allowed only on one quadrant of an intersection. (Ord. 1055 N.S. § C (part), 1991; Ord. 899 N.S. §§ 6 (part), 22 (part), 1989; Ord. 559 N.S. § A (part), 1981)

18.20.050 Additional required conditions.

A. Architectural and site plan approval shall be required of all uses situated on sensitive sites, as defined in Chapter 18.74 of this title. (Ord. 1111 N.S. § 12, 1992; Ord. 559 N.S. § A (part), 1981)

Chapter 18.22

CG GENERAL COMMERCIAL DISTRICT

Sections:

- 18.22.010 Purpose of district.
- 18.22.020 Permitted uses.
- 18.22.030 Conditional uses.
- 18.22.040 Site development standards.
- 18.22.050 Additional required conditions.

18.22.010 Purpose of district.

The CG general commercial district is intended to create and maintain major commercial areas accommodating a broad range of office, retail sales and other commercial activities of community-wide significance. The CG district is intended to be applied to community commercial areas identified by the Morgan Hill General Plan and other areas where deemed appropriate. (Ord. 559 N.S. § A (part), 1981)

18.22.020 Permitted uses.

The following uses shall be permitted in the CG general commercial district:

- A. Retail stores;
- B. Restaurants;
- C. Offices and professional offices;
- D. Financial services;
- E. Personal services;
- F. Day care centers and nursery schools. (Ord. 980 N.S. § 3 (part), 1990: Ord. 559 N.S. § A (part), 1981)

18.22.030 Conditional uses.

The following uses may be conditionally allowed in the CG general commercial district, subject to issuance of a conditional use permit in accordance with Chapter 18.54:

- A. Commercial recreation;

- B. Service stations;
- C. Ambulance services;
- D. Utility facilities, excluding construction of storage yards, maintenance facilities, or corporation yards;
- E. Motels, hotels and similar lodging facilities;
- F. Mini-storage facilities;
- G. Drive-in establishments;
- H. Wholesale business;
- I. Caretaker units;
- J. Off-site pole or pylon freeway-oriented signs pursuant to Section 18.76.270.C.4. and 18.76.075;
- K. Minor motor vehicle repair;
- l. Any other use which the planning commission finds to be of a similar nature to the permitted uses and conditional uses specified in this chapter for the CG zoning district. (Ord. 1135 N.S. § 31, 1993; Ord. 1134 N.S. § 2, 1993; Ord. 1055 N.S. § C (part), 1991; Ord. 980 N.S. § 3 (part), 1990; Ord. 846 N.S. § 1 (part), 1987; Ord. 839 N.S. § 1 (part), 1987; Ord. N.S. 559 § A (part), 1981)

18.22.040 Site development standards.

The following site development standards shall apply in the CG general commercial district:

- A. Minimum lot area, ten thousand square feet;
- B. Minimum lot width, one hundred feet;
- C. Minimum lot depth, one hundred feet;
- D. Maximum building coverage, fifty percent;
- E. Minimum setbacks:
 - 1. Front, twenty-five feet,
 - 2. Rear, twenty feet,
 - 3. Side, zero feet;
- F. Maximum height, three stories or thirty-five feet;
- H. On any portion of a site in the CG district which abuts a lot in any residential zoning district, a minimum interior yard of ten feet shall be required, and a solid wall or fence of six feet in height shall be constructed and maintained along the common lot line. The minimum interior yard shall be planted and maintained as a landscaped screen;

I. All uses, whether permitted or conditional, shall be conducted in such a manner so as to avoid any nuisance, hazard or commonly recognized offensive condition or characteristic, as established by the commercial and industrial performance standards of Chapter 18.48 of this title;

J. Side Street Side Yard. A side yard along the side street lot line of a corner lot shall have a width of not less than fifteen feet or one-half the required depth of the front yard, whichever is greater;

K. Cul-de-sac lot width, minimum of forty feet as measured along the front property line. (Ord. 1055 N.S. § C (part), 1991; Ord. 899 N.S. §§ 6 (part), 22 (part), 1989; Ord. 559 N.S. § A (part), 1981)

18.22.050 Additional required conditions.

A. Architectural and site plan approval shall be required of all uses situated on sensitive sites, as defined in Chapter 18.74 of this title.

B. Where any lot in the general commercial district abuts residentially zoned property, a twenty-five-foot minimum setback shall apply. (Ord. 1111 N.S. § 13, 1992; Ord. 559 N.S. § A (part), 1981)

Chapter 18.24

CC-R CENTRAL COMMERCIAL/RESIDENTIAL DISTRICT

Sections:

- 18.24.010 Purpose of district.
- 18.24.020 Permitted uses.
- 18.24.030 Accessory uses.
- 18.24.040 Conditional uses.
- 18.24.050 Site development standards.
- 18.24.060 Commercial uses--Performance standards.
- 18.24.070 Other required conditions.

18.24.010 Purpose of district.

The purposes of this CC-R central commercial/residential mixed-use district are to:

- A. Implement the policies of the Downtown Design Plan;
- B. Preserve the older architectural styles in the city;
- C. Provide for an increased variety and intermixture of residential and commercial activities in the downtown area; and
- D. Conserve existing housing stock. (Ord. 559 N.S. § A (part), 1981)

18.24.020 Permitted uses.

The following uses shall be permitted in the CC-R district:

- A. Single-family attached or detached, duplex and multifamily dwellings at a density of one dwelling per two thousand four hundred square feet or greater. No new residential units shall be allowed on the area bounded by Second Street, Depot Street, Fourth Street and Monterey Road, except as part of mixed use projects;
- B. Retail stores;
- C. Office and business service establishments;
- D. Restaurants;
- E. Medical clinics;
- F. Professional and administrative offices;
- G. Schools;

H. Financial businesses;

I. Personal service. (Ord. 1055 N.S. § C (part), 1991; Ord. 1050 N.S. § 1 (part), 1991; Ord. 783 N.S. § 3 (part), 1986; Ord. 559 N.S. § A (part), 1981)

18.24.030 Accessory uses.

The following accessory uses are permitted in the CC-R district:

A. All uses customarily appurtenant to a permitted residential use. (Ord. 559 § A (part), 1981)

18.24.040 Conditional uses.

The following uses may be conditionally allowed in the CC-R district, subject to issuance of a conditional use permit in accordance with Chapter 18.54 of this title:

A. Nightclubs, theaters and bars;

B. Drive-in establishments;

C. Commercial and office uses occupying in excess of fifty percent of the allowable floor area ratio;

D. Any other use which the planning commission finds to be similar in nature to the permitted or conditional uses specified in this chapter for the CC-R zoning district;

E. Commercial and residential uses permitted by Section 18.24.020, contained in one structure or parcel;

F. Day care facilities. (Ord. 1055 N.S. § C (part), 1991; Ord. 846 N.S. § 1 (part), 1987; Ord. 559 N.S. § A (part), 1981)

18.24.050 Site development standards.

The following site development standards shall apply in the CC-R district:

A. Minimum lot area, six thousand square feet;

B. Minimum lot width, fifty feet. Minimum lot width for two or more dwellings shall be sixty feet;

C. Minimum lot depth, one hundred feet;

D. Maximum building coverage, seventy-five percent;

E. Minimum setbacks, commercial:*

1. Front, zero feet,*
2. Rear, zero feet,*
3. Side, zero feet;*

* Unless adjacent to a residential use, in which case the setback shall be a minimum of twenty-five feet or a distance deemed appropriate by the community development director after reviewing specific site planning and architectural considerations;

F. Minimum setbacks, residential:*

1. Front, twenty-five feet,*
2. Rear, twenty feet,*
3. Side, five feet;*

* Unless part of a planned development, in which case setbacks may vary in accordance with the approved design layout;

G. Maximum height, three stories or thirty-five feet;

H. Side street side yard for residential development. A side yard along the side street lot line of a corner lot shall have a width of not less than fifteen feet or one-half the required depth of the front yard, whichever is greater;

I. Cul-de-sac lot width, minimum of forty feet as measured along the front property line. (Ord. 1135 N.S. § 32, 1993; Ord. 1111 N.S. § 14, 1992; Ord. 899 N.S. §§ 6 (part), 22 (part), 1989; Ord. 783 N.S. § 3 (part), 1986; Ord. 745 N.S. § 2, 1985; Ord. 559 N.S. § A (part), 1981)

18.24.060 Commercial uses—Performance standards.

In order to achieve residential compatibility with existing dwellings in the CC-R zoning district, the following standards shall apply when proposed commercial uses abut residential property:

A. A trip generation figure of not more than ten trips per one hundred square feet of floor area must be characteristic of the proposed use.

B. Landscaping, including vegetative screening of the use from adjacent residential structures, shall account for a minimum of ten percent of the lot area.

C. Noise levels emanating from the commercial enterprise may not exceed sixty dBA at the property perimeter.

D. Commercial structures must be designed at a residential scale.

E. Hours of business operation must be compatible with a residential environment. Should a commercial use be active during the evening hours, noise levels shall not exceed forty-five dBA, as measured at the property boundary.

F. All proposed commercial use conversion or commercial building expansion shall be subject to site and architectural plan approval by the community development director. Minimum front yard setback standards shall be increased by up to twenty-five feet if it is found necessary to maintain the residential character of the neighborhood in which the use conversion or building expansion is proposed. (Ord 1111 § 15, 1992; Ord. 559 N.S. § A (part), 1981)

18.24.070 Other required conditions.

A. Architectural and site plan approval by the community development director shall be required for construction of any residential dwelling which would result in the establishment of two or more dwellings on any parcel with a street frontage less than sixty feet or an area less than six thousand square feet.

B. All new residential construction shall conform with provisions of the housing replacement program as set out in Chapter 15.30 of this title.

C. Residential development control system approval is required for all residential development in accordance with Chapter 18.78 of this title. (Ord. 1111 N.S. § 16, 1992; Ord. 1055 N.S. § C (part), 1991; Ord. 899 N.S. § 29, 1989; Ord. 783 N.S. § 3 (part), 1986)

Chapter 18.26

HC HIGHWAY COMMERCIAL DISTRICT

Sections:

- 18.26.010 Purpose of district.
- 18.26.020 Permitted uses.
- 18.26.030 Conditional uses.
- 18.26.040 Site development standards.
- 18.26.050 Additional required conditions.

18.26.010 Purpose of district.

The HC highway commercial district is intended to provide areas adjacent to the freeway that can accommodate highway and tourist oriented uses, and uses which require the high visibility of thoroughfare locations. (Ord. 1055 N.S. § C (part), 1991; Ord. 559 N.S. § A (part), 1981)

18.26.020 Permitted uses.

The following uses shall be permitted in the highway commercial district:

- A. Restaurants;
- B. Wine tasting;
- C. Retail uses, excluding grocery, supermarket and drug stores;
- D. Motels and hotels;
- E. Arts and crafts galleries;
- F. Motor vehicle sales and service. (Ord. 1055 N.S. § C (part), 1991; Ord. 559 N.S. § A (part), 1981)

18.26.030 Conditional uses.

The following uses may be conditionally allowed in the highway commercial district, subject to issuance of a conditional use permit in accordance with Chapter 18.54 of this title:

- A. Commercial recreation;

- B. Carwashes;
- C. Gasoline service stations;
- D. Drive-in establishments;
- E. Off-site pole or pylon freeway-oriented signs pursuant to Section 18.76.270.C.4. and 18.76.075;
- F. Any other use which the planning commission finds will be similar in nature to permitted or conditional uses allowed within this chapter for the HC zoning district. (Ord. 1134 N.S. § 3, 1993; Ord. 1055 N.S. § C (part), 1991; Ord. 846 N.S. § 1 (part), 1987; Ord. 559 N.S. § A (part), 1981)

18.26.040 Site development standards.

- A. The following site development standards shall apply in the HC district:
 - 1. Minimum lot area, twenty thousand square feet;
 - 2. Minimum lot width, seventy feet;
 - 3. Minimum lot depth, one hundred twenty-five feet;
 - 4. Maximum building coverage, forty percent;
 - 5. Minimum setbacks:
 - a. Front, forty feet,
 - b. Rear, twenty feet, *
 - c. Side, zero feet; *
 - 6. Maximum height, three stories or thirty-five feet.

* Thirty feet when adjacent to the South Valley Freeway (US 101 property).

B. On any portion of a site in the HC district which abuts a lot in any residential zoning district, a solid wall or fence of six feet in height shall be constructed and maintained along the common lot line. The minimum interior yard shall be planted and maintained as a landscaped screen.

C. All uses, whether permitted or conditional, shall be conducted in such a manner so as to avoid any nuisance, hazard or commonly recognized offensive condition or characteristic.

D. Side Street Side Yard. A side yard along the side street lot line of a corner lot shall have a width of not less than fifteen feet or one-half the required depth of the front yard, whichever is greater.

F. Cul-de-sac lot width, minimum of forty feet as measured along the front property line. (Ord. 1055 N.S. § C (part), 1991; Ord. 899 N.S. §§ 6 (part), 22 (part), 27, 1989; Ord. 559 N.S. § A (part), 1981)

18.26.050 Additional required conditions.

A. Architectural and site plan approval shall be required of all uses situated on sensitive sites, as defined in Chapter 18.74 of this title.

B. Where any lot in the general commercial district abuts residentially zoned property, a twenty-five foot minimum setback shall apply. (Ord. 1111 N.S. § 17, 1992; Ord. 559 N.S. § A (part), 1981)

Chapter 18.28

TUD THEME UNIT DEVELOPMENT DISTRICT

Sections:

- 18.28.010 Purpose of district.
- 18.28.020 Permitted uses.
- 18.28.030 Conditional uses.
- 18.28.040 Site development--Principles and standards.
- 18.28.050 District establishment--Initiation.
- 18.28.060 District establishment--Application.
- 18.28.070 Development plan--Contents.
- 18.28.080 Development plan--Schedule for construction.
- 18.28.090 Schedule--Zoning administrator report.
- 18.28.100 Schedule--Failure to comply--Remedies.
- 18.28.110 Extension of time limits.
- 18.28.120 Additional required conditions.

18.28.010 Purpose of district.

The theme unit development district is intended to provide and encourage the development of nonresidential land uses directly related to the business of entertaining and supplying specialized services or specialized retail sales to the general tourist and local resident. (Ord. 559 N.S. § A (part), 1981)

18.28.020 Permitted uses.

The following uses shall be permitted in the TUD theme unit development district:

- A. Motels;
- B. Restaurants;
- C. Tourist-oriented uses;
- D. Souvenir shops;
- E. Art galleries;
- F. Photo supply stores;
- G. Confectionery shops;
- H. Specialty shops. (Ord. 559 N.S. § A (part), 1981)

18.28.030 Conditional uses.

The following uses may be conditionally allowed in the TUD theme unit development district, subject to issuance of a conditional use permit in accordance with Chapter 18.54:

- A. Drive-in establishments;
- B. Off-site pole or pylon freeway-oriented signs pursuant to Section 18.76.270.C.4. and Section 18.76.075;
- C. Any other use which the planning commission finds will be similar in nature to the permitted or conditional uses specified in this chapter for the TUD zoning district. (Ord. 1134 N.S. § 4; 1993; Ord. 1055 N.S. § C (part), 1991; Ord. 846 N.S. § 1 (part), 1987; Ord. 559 N.S. § A (part), 1981)

18.28.040 Site development—Principles and standards.

The following site development principles and standards shall apply in the theme unit development district in lieu of traditional commercial setback and building coverage limitations:

- A. The development theme shall be carried out throughout the entire project.
- B. Architectural harmony and unity shall be encouraged, to establish a strong identity and character within the development and with the neighboring area.
- C. Natural and man-made amenities of a unique and/or distinctive character shall be retained and incorporated into the development plans when the amenity is in conformance with an overall theme.
- D. Commercial development is encouraged to vary building placement through the use of open plazas, pedestrian malls and other public spaces and uses with adequate landscape planting.
- E. Basic building coverage will be dictated by parking requirements established in Chapter 18.50 of this title, and the setback requirements as stated within this chapter.
- F. Any parcel designated as a theme unit development shall be at least three acres.
- G. Along any boundary line of a theme unit development district, a buffer yard shall be provided. The yard's minimum width shall be twenty-five feet in the front, fifteen feet for the side yards, and twenty-five feet for the rear yard. These yard areas shall be fully landscaped. The buffer yard requirements shall act as setbacks.

H. Any theme unit development area along the South Valley Freeway shall require a thirty-foot rear yard instead of twenty-five feet. Additionally, the only allowable use along this rear yard shall be a bermed, landscaped buffer or other approved landscaping method. The rear yard shall be landscaped with hedges, evergreens, shrubbery or other suitable planting. The landscaping shall be maintained so as to present an aesthetically pleasing appearance as viewed from the freeway.

I. Side Street Side Yard. A side yard along the side street lot line of a corner lot shall have a width of not less than fifteen feet or one-half the required depth of the front yard, whichever is greater.

J. Cul-de-sac lot width, minimum of forty feet as measured along the front property line. (Ord. 899 N.S. §§ 6 (part), 22 (part), 1989; Ord. 559 N.S. § A (part), 1981)

18.28.050 District establishment—Initiation.

TUD districts may be established upon the application of a property owner or upon the initiative of the city council or the planning commission, in accordance with the procedures set forth in Chapter 18.62 of this title. A development plan shall not be required for city-initiated district designations. (Ord. 559 N.S. § A (part), 1981)

18.28.060 District establishment—Application.

Application for a TUD district shall be accompanied by ten copies of a development plan prepared in a manner acceptable to the city engineer, showing basic land-use pattern, lot sizes, structure location, and schematic architectural elevations. (Ord. 559 N.S. § A (part), 1981)

18.28.070 Development plan—Contents.

A development plan for a TUD shall contain the following elements:

A. A map showing any street system and lot design proposed within the district. Any areas proposed to be dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings and other such uses must be shown. Compliance with these requirements shall not be construed to relieve the applicant from compliance with the Subdivision Ordinance (Title 17 of this code), or any other applicable ordinance of the city;

B. If required by the zoning administrator, a map showing the topography of the proposed district at five-foot contour intervals shall be submitted;

C. A plot plan for each building site or sites in the proposed TUD district, or any portion thereof, as required by Division I of this title. The required plot plan shall show the approximate location of all proposed buildings and property, or building site lines;

D. Any or all of the following plans and diagrams may also be required by the zoning administrator or similar information may be required to be included on the plot plan or appended thereto:

1. Off-street parking and loading plan. Such a plan may be presented in terms of a ratio between off-street parking and loading spaces and the building floor area, if accompanied by an "example" plan demonstrating the feasibility of the proposed ratio,

2. A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the TUD district, and the interphase to and from adjacent public thoroughfares. Any special engineering features and traffic-regulation devices needed to facilitate or insure the safety of this circulation pattern shall be shown,

3. Landscaping and tree-planting plans shall be required for all uses. The applicant shall not be relieved of the street tree requirements of Title 17 and the Subdivision Ordinance;

E. Elevation and/or perspective drawing of a proposed structure. Such drawings need not be the result of final architectural decisions and need not be in detail. The purpose of such drawings is to indicate within stated limits the height of proposed buildings and the general appearance of the structures, to the end that the entire development will have architectural unity and be in harmony with surrounding developments. (Ord. 559 N.S. § A (part), 1981)

18.28.080 Development plan--Schedule for construction.

An application for a TUD district shall be accompanied by the development schedule indicating to the best of the applicant's knowledge the approximate date on which construction of the project can be expected to begin, the anticipated rate of development, and the completion date. The development schedule, if approved by the city council, shall become a part of the development plan and shall be adhered to by the owner of the property in the TUD district and his successors in interest. (Ord. 559 N.S. § A (part), 1981)

18.28.090 Schedule—Zoning administrator report.

From time to time, the zoning administrator shall compare the actual development accomplished in the various TUD districts and approved development schedule, and shall report his findings to the planning commission. (Ord. 559 N.S. § A (part), 1981)

18.28.100 Schedule—Failure to comply—Remedies.

If, in the opinion of the planning commission, the owner or owners of property in TUD districts is or are failing or have failed to meet the approved development schedule, the commission may initiate processing to remove the TUD district from the zoning map, or to amend the development plan. (Ord. 559 N.S. § A (part), 1981)

18.28.110 Extension of time limits.

For good cause shown by the property owner in writing, prior to the expiration of the original time schedule for the development, the planning commission may, without a public hearing, recommend a change or extension of the time limits imposed by the development schedule. Upon receipt of the recommendation of the planning commission, the city council may change or extend the time limits imposed by the development schedule. (Ord. 559 N.S. § A (part), 1981)

18.28.120 Additional required conditions.

A. Architectural and site plan approval shall be required of all uses situated on sensitive sites, as defined in Chapter 18.74 of this title.

B. Where any lot in the general commercial district abuts residentially zoned property, a twenty-five-foot minimum setback shall apply. (Ord. 1111 N.S. § 18, 1992; Ord. 559 N.S. § A (part), 1981)

Chapter 18.30

PUD PLANNED UNIT DEVELOPMENT DISTRICT

Sections:

- 18.30.010 Purpose of district.
- 18.30.020 Permitted uses.
- 18.30.030 Uses requiring zoning permits.
- 18.30.040 Establishment--Initiation.
- 18.30.050 Establishment--Application requirements.
- 18.30.060 Development plan--Contents.
- 18.30.070 Tentative map filing required.
- 18.30.080 Density limits.
- 18.30.090 Commercial standards.
- 18.30.100 Industrial standards.

18.30.010 Purpose of district.

The purpose of the PUD planned unit development district is to allow diversification in the relationship of various buildings, structures and open spaces in planned building groups, and the allowable height of the buildings and structures, while insuring substantial compliance to the district regulations and other provisions of this chapter. Adequate standards related to the public health, safety and general welfare shall be observed without unduly inhibiting the advantages of large-scale site planning for residential, commercial or industrial purposes. (Ord. 559 N.S. § A (part), 1981)

18.30.020 Permitted uses.

A. All uses may be permitted in a PUD district, provided such uses are shown on the development plan for a particular PUD district as approved by the city council. All uses must meet the performance standards established in Chapter 18.48 of this title. In the case of a city-initiated PUD, subsequent development plans must specify the types of uses anticipated.

B. In the industrial portions of a PUD zone only, "adult businesses" as defined by Sections 18.04.018.2 et seq. and 18.48.170 and 18.48.180 of the Municipal

Code are permitted subject to conformity to all city codes, including receipt and maintenance in good standing of a police permit pursuant to Sections 5.60.010 et seq. of the Municipal Code. (Ord. 1150 N.S. § III A, 1993; Ord. 559 N.S. § A (part), 1981)

18.30.030 Uses requiring zoning permits.

A. A zoning permit shall be required for any and all uses in a PUD district to assure the proposed use is in conformance with the development plan and conditions thereof. If, in the opinion of the community development director, the proposed use is not in conformance with the development plan, a use permit approval shall be required. Architectural and site plan approval shall be required for all proposed uses.

B. When the community development director finds that the proposed project under design review differs substantially from the original PUD approvals to the detriment of the design intent, an amendment to the initial PUD approval will be required through the public hearing process. (Ord. 1111 N.S. § 19, 1992; Ord. 721 N.S. § 2, 1985; (Ord. 559 N.S. § A (part), 1981)

18.30.040 Establishment—Initiation.

Planned unit development districts may be established upon the application of a property owner or upon the initiative of the city council or the planning commission, in accordance with procedures established in Chapter 18.62 of this title, provided that the districts have a minimum area of three acres. (Ord. 559 N.S. § A (part), 1981)

18.30.050 Establishment—Application requirements.

Unless city-initiated, application for a PUD district shall be accompanied by ten copies of a development plan prepared in a manner acceptable to the city engineer, showing the physical relationship of different land uses and, where applicable, the proposed densities in residential areas. The development plan shall also include further explanation of commercial and industrial uses. The development plan shall show lot sizes and/or overall view of the uses in the commercial and industrial areas. (Ord. 1055 N.S. § C (part), 1991; Ord. 559 N.S. § A (part), 1981)

18.30.060 Development plan—Contents.

A development plan for a PUD shall contain the following elements:

- A. A map showing any street system and lot design proposed within the district. Areas proposed to be dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings and other such uses must be shown;
- B. A topographic map with contour intervals suitable to reflect existing grade differences of the proposed site;
- C. Any or all of the following plans and diagrams may also be required by the community development director if deemed necessary for the complete review of the project:
 1. Off-street parking and loading plan. Such a plan may be presented in terms of a ratio between off-street parking spaces and building floor area, if accompanied by an "example" plan demonstrating the feasibility of the proposed ratio,
 2. A circulation diagram indicating the proposed movement of vehicles and pedestrians. Any special engineering features and traffic-control devices needed to facilitate or insure the safety of this circulation pattern shall be shown,
 3. A landscaping plan, showing the size, location and type of plantings within the proposed development,
 4. Elevations and/or perspective drawings of all proposed structures, except single-family detached residences. Such drawings need not be the result of final architectural decisions and need not be in detail. The purpose of such drawings is to indicate within stated limits the height of the proposed buildings and the general appearance of the structures, to the end that the entire development will have architectural unity and will be in harmony with surrounding development. (Ord. 559 N.S. § A (part), 1981)

18.30.070 Tentative map filing required.

Following approval of the development plan, the developer must file a tentative map for the development within one year from the effective date of the PUD zoning designation. (Ord. 559 N.S. § A (part), 1981)

18.30.080 Density limits.

Where residential development is proposed as part of the planned unit development, the residential portion of the development shall not exceed the density limits established in the General Plan for the area of town in which the project is located. (Ord. 559 N.S. § A (part), 1981)

18.30.090 Commercial standards.

A. Setback Requirements. Commercial development is encouraged to make a variety of use of the building setback through the development of open plazas, pedestrian malls, and other public spaces and uses, with adequate planting.

B. Lot Coverage. Basic lot coverage will be dictated by the parking requirements, as stated in Chapter 18.50 of this title, but in no case shall building coverage exceed sixty percent.

C. Special Yard Requirements When Adjacent to Existing Residential Districts. Along any boundary line of a residential district, a buffer yard shall be provided which shall be not less than thirty feet in depth, measured from the district boundary line.

D. Landscaping. Five percent of the parcel shall be landscaped. Detailed landscaping plans, together with a statement of proposed maintenance, shall be submitted for approval to the planning commission prior to the issuance of a zoning permit. (Ord. 559 N.S. § A (part), 1981)

18.30.100 Industrial standards.

A. For industrial developments using the PUD district, all standards which are set forth in the M-C campus industrial district shall apply.

B. Landscaping buffers shall be installed around the periphery of the parcel when adjacent to or visually related to any commercial, professional or residential use. These buffer areas shall be no less than thirty feet wide.

C. Side Street Side Yard. A side yard along the side street lot line of a corner lot shall have a width of not less than fifteen feet or one-half the required depth of the front yard, whichever is greater.

D. Cul-de-sac lot width, minimum of forty feet as measured along the front property line. (Ord. 1055 N.S. § C (part), 1991; Ord. 1009 N.S. § 1 (part), 1991; Ord. 899 N.S. §§ 6 (part), 8 (part), 22 (part), 1989; Ord. 559 N.S. § A (part), 1981)

Chapter 18.32

CS SERVICE COMMERCIAL DISTRICT

Sections:

- 18.32.010 Purpose of district.
- 18.32.020 Permitted uses.
- 18.32.030 Conditional uses.
- 18.32.040 Site development standards.
- 18.32.050 Additional required conditions.

18.32.010 Purpose of district.

The CS service commercial district is intended to create and maintain areas accommodating citywide and regional services that may be inappropriate in neighborhood or pedestrian-oriented shopping areas, and which generally require automotive access for customer convenience, servicing of vehicles or equipment, loading or unloading, or parking of commercial service vehicles. (Ord. 559 N.S. § A (part), 1981)

18.32.020 Permitted uses.

The following uses shall be permitted in the CS service commercial district:

- A. Auto sales and service;
- B. Animal hospital and boarding;
- C. Nursery;
- D. Home improvement centers;
- E. Wholesale sales establishments;
- F. Financial services;
- G. Minor motor vehicle repair
- H. Accessory facilities and uses customarily incidental to permitted uses. (Ord. 1135 § 33, 1993; Ord. 1055 N.S. § C (part), 1991; Ord. 559 N.S. § A (part), 1981)

18.32.030 Conditional uses.

The following uses may be conditionally allowed in the CS service commercial district, subject to issuance of a conditional use permit in accordance with Chapter 18.54 of this title:

- A. Commercial recreation;
- B. Commercial parking;
- C. Transportation terminals;
- D. Service stations;
- E. Outdoor sales, such as farm implements, boats, lumber, building materials, mobile homes, etc., screened as required by the planning commission;
- F. Radio/TV station;
- G. Eating establishments;
- H. Mini-storage facilities;
- I. Drive-in establishments;
- J. All C-G general commercial district uses;
- K. Caretakers units;
- L. Any other use which the planning commission finds to be of a similar nature to the permitted uses and conditional uses specified in this chapter for the CS zoning district. (Ord. 1055 N.S. § C (part), 1991; Ord. 846 N.S. § 1 (part), 1987; Ord. 839 N.S. § 1 (part), 1987; Ord. 559 N.S. § A (part), 1981)

18.32.040 Site development standards.

A. The following site development standards shall apply in the CS service commercial district:

- 1. Minimum lot area, ten thousand square feet;
- 2. Minimum lot width, one hundred feet;
- 3. Minimum lot depth, one hundred feet;
- 4. Maximum building coverage, fifty percent;
- 5. Minimum setbacks:
 - a. Front, twenty-five feet,
 - b. Rear, twenty feet,
 - c. Side, zero feet;
- 6. Maximum height, three stories or thirty-five feet.

B. Areas used for outdoor sales and display shall meet the minimum design standards applicable to off-street parking facilities with respect to paving, grading, drainage, access to public streets, safety and protective features, lighting, landscaping, screening, and the Sign Ordinance (see Chapter 18.76).

C. On any portion of a site in the CS district which abuts a lot in any residential zoning district, a minimum interior yard of ten feet shall be required, and a solid wall or fence of six feet in height shall be constructed and maintained along the common lot line. The entire minimum interior yard shall be planted and maintained as a landscaped screen.

D. All uses, whether permitted or conditional, shall be conducted in such a manner so as to avoid any nuisance, hazard or commonly recognized offensive condition or characteristic, as established by the commercial and industrial performance standards of Chapter 18.48.

E. Parking standards for all commercial uses are established in Chapter 18.50 of this title.

F. Sign limitations shall be satisfied in accordance with Chapter 18.76 of this title.

G. Side Street Side Yard. A side yard along the side street lot line of a corner lot shall have a width of not less than fifteen feet or one-half the required depth of the front yard, whichever is greater.

H. Cul-de-sac lot width, minimum of forty feet as measured along the front property line. (Ord. 899 N.S. §§ 6 (part), 22 (part), 1989; Ord. 559 N.S. § A (part), 1981)

18.32.050 Additional required conditions.

A. Architectural and site plan approval shall be required of all uses situated on sensitive sites, as defined in Chapter 18.74 of this title.

B. Where any lot in the general commercial district abuts residentially zoned property, a twenty-five-foot minimum setback shall apply. (Ord. 1111 § 20, 1992; Ord. 559 N.S. § A (part), 1981)

Chapter 18.34

CO ADMINISTRATIVE OFFICE DISTRICT

Sections:

- 18.34.010 Purpose of district.
- 18.34.020 Permitted uses.
- 18.34.030 Conditional uses.
- 18.34.040 Site development standards.
- 18.34.050 Additional required conditions.

18.34.010 Purpose of district.

The CO administrative office district is intended to provide an area wherein professional, general commercial offices and limited personal services may develop in close relationship with each other outside of other commercial districts. Nothing in this chapter shall be construed to permit or encourage retail sales except as provided in this chapter. (Ord. 559 N.S. § A (part), 1981)

18.34.020 Permitted uses.

The following uses shall be permitted in the CO administrative office district:

- A. Computer and data processing services;
- B. Consumer credit reporting agencies;
- C. Detective and protective services;
- D. Educational services;
- E. Financial, insurance and real estate services;
- F. General offices for business and manufacturing firms;
- G. Health services, exclusive of hospitals;
- H. Legal services;
- I. Mailing, reproduction, commercial art, photography and stenographic services;
- J. Management, consulting and public relations services;
- K. Microfilm recording and developing services;
- L. Miscellaneous services;

- M. Personnel supply services;
- N. Photo finishing laboratories;
- O. Social services, except residential care;
- P. Travel agencies. (Ord. 559 N.S. § A (part), 1981)

18.34.030 Conditional uses.

The following uses may be conditionally allowed in the CO administrative office district, subject to issuance of a conditional use permit in accordance with Chapter 18.54 of this title:

- A. Art schools;
- B. Dance studios;
- C. Hospitals;
- D. Drive-in establishments;
- E. Any other use which the planning commission finds will be similar in nature to the permitted uses and conditional uses specified in this chapter for the CO zoning district. (Ord. 1055 N.S. § C (part), 1991; Ord. 846 N.S. § 1 (part), 1987; Ord. 559 N.S. § A (part), 1981)

18.34.040 Site development standards.

A. The following site development standards shall apply in the CO administrative office district:

- 1. Minimum lot area, six thousand square feet;
- 2. Minimum lot width, sixty feet;
- 3. Minimum lot depth, one hundred feet;
- 4. Maximum building coverage, fifty percent;
- 5. Minimum setbacks:
 - a. Front, twenty feet,
 - b. Rear, twenty feet,
 - c. Side, ten feet;
- 6. Maximum height, three stories or thirty-five feet.

B. On any portion of a site in the CO district which abuts a lot in any residential zoning district, a solid wall or fence of six feet in height shall be constructed and maintained along the common lot line. The minimum interior yard shall be planted and maintained as a landscaped screen.

C. All uses, whether permitted or conditional, shall be conducted in such a manner so as to avoid any nuisance, hazard or commonly recognized offensive condition or characteristic, as established by the performance standards of Chapter 18.48 of this title.

D. Side Street Side Yard. A side yard along the side street lot line of a corner lot shall have a width of not less than fifteen feet or one-half the required depth of the front yard, whichever is greater.

E. Cul-de-sac lot width, minimum of forty feet as measured along the front property line. (Ord. 899 N.S. §§ 6 (part), 22 (part), 1989; Ord. 559 N.S. § A (part), 1981)

18.34.050 Additional required conditions.

A. Architectural and site plan approval shall be required of all uses situated on sensitive sites, as defined in Chapter 18.74 of this title.

B. Where any lot in the administrative office district abuts residentially zoned property, a twenty-five-foot minimum setback shall apply. (Ord. 1111 N.S. § 21, 1992; Ord. 559 N.S. § A (part), 1981)

Chapter 18.36

ML LIGHT INDUSTRIAL DISTRICT

Sections:

- 18.36.010 Purpose of district.
- 18.36.020 Permitted uses.
- 18.36.030 Conditional uses.
- 18.36.035 Prohibited uses.
- 18.36.040 Site development standards.
- 18.36.050 Additional required conditions.

18.36.010 Purpose of district.

The ML light industrial district is intended to provide areas for research, administrative, lighter manufacturing, wholesale and heavy service commercial uses not suitable to commercial districts. (Ord. 997 N.S. § 1 (part), 1990: Ord. 559 N.S. § A (part), 1981).

18.36.020 Permitted uses.

The following uses shall be permitted in the ML light industrial district:

- A. Administrative and executive offices;
- B. Medical, dental, research, experimental, film or testing laboratories;
- C. Manufacturing, assembly or packaging of products from previously prepared materials, such as cloth, plastic, paper, leather, precious or semiprecious metals or stones, but not including such operations as saw and planing mills, nor any manufacturing uses involving primary production of wood, metal or chemical products from raw materials;
- D. Manufacture of electronic and electronic devices;
- E. Agriculture, including agricultural nurseries, except the raising of animals or fowl for commercial purposes;
- F. Wholesale;
- G. Minor motor vehicle repair;
- H. Adult businesses, as defined by Sections 18.04.018.2 et seq. and 18.48.170 and 18.48.180 of this title, subject to receipt and maintenance in good standing of a

police permit pursuant to Sections 5.60.010 et seq. of the Municipal Code. (Ord. 1150 N.S. § III B, 1993; Ord. 1135 § 34, 1993; Ord. 1055 N.S. § B, 1991; Ord. 1025 N.S. § 3, 1991; Ord. 997 § 1 (part), 1990; Ord. 559 N.S. § A (part), 1981)

18.36.030 Conditional uses.

The following uses may be conditionally allowed in the ML light industrial district, subject to issuance of a conditional use permit in accordance with Chapter 18.54 of this title:

- A. Sales of goods manufactured, processed or assembled on the premises;
- B. Any use allowed by right or conditionally allowed in the CG general commercial district, which is ancillary to and supportive of permitted uses in the ML zone, excluding retail sales other than those listed in subsection K of this section;
- C. Public or quasi-public uses of an educational or recreational nature;
- D. Public utility buildings and service yards;
- E. Warehouses and distribution depot facilities;
- F. Animal hospitals and veterinary clinics;
- G. Manufacture of electric and electronic instruments and devices;
- H. Printing and lithographic shops, and upholstery shops;
- I. Mini-storage facilities;
- J. Major motor vehicle repair;
- K. Extensive retail, including sales, rental, display, storage and related repair and servicing of bulky commodities including:
 - 1. Carpeting and floor covering,
 - 2. Catalog and mail order sales,
 - 3. Catering and party rentals,
 - 4. Construction equipment and machinery,
 - 5. Garden and farm equipment,
 - 6. Heating, ventilating, air conditioning, and other mechanical equipment and supplies,
 - 7. Kitchen, bathroom and plumbing appliances, equipment and supplies,
 - 8. Lumber and building materials,
 - 9. Office furniture, equipment and machinery, including computers, and
 - 10. Household furniture provided that the following conditions (a) through (e) are met:
 - a. The floor area of extensive retail uses devoted to retail display and sales, in the aggregate, occupies no more than fifteen percent of the gross floor area of the

building and the areas devoted to retail sales and display are separated from other portions of the uses by permanent walls. However, the planning commission may authorize an increase to a maximum of twenty-five percent of the gross floor area of a building for retail display and sales when it finds that, due to exceptional circumstances associated with the building or the existing and/or proposed extensive retail uses of the building, such an increase is warranted,

b. Such uses are conducted within a completely enclosed building with a gross floor area of at least five thousand square feet,

c. Such uses are served by on-site employee and customer parking consistent with the requirements of Chapter 18.50 of Division I of this title,

d. Such uses maintain the industrial character (including signs) of the district,

e. Such uses are not located within one hundred feet of any residential district;

L. Auction houses;

M. Business services, such as accounting, advertising and direct mail, credit reporting, data processing, employment agencies, janitorial supplies and services, messenger, courier and delivery services, travel agencies, packaging and labeling, photocopying and blueprinting and stenographic services;

N. Reverse vending machines and recycling centers as defined in Public Resources Code Section 14509.2;

O. Wholesale electrical, plumbing, cabinet and heating shops;

P. Religious institutions;

Q. Home improvement centers;

R. Caretakers units;

S. Any other use which the planning commission finds to be of similar nature to the permitted uses and conditional uses specified in this chapter for the ML zoning district. (Ord. 1135 §§ 35, 36, 37 & 38, 1993; Ord. 1055 N.S. § III C, 1991; Ord. 1025 N.S. § 1, 1991; Ord. 997 N.S. § 1, 1990; Ord. 899 N.S. § 2 (part), 1989; Ord. 839 N.S. § 1 (part), 1987; Ord. 559 N.S. § A (part), 1981)

18.36.035 Prohibited uses.

The following uses are prohibited from locating in the ML light industrial zoning district:

A. All Group I occupancies;

B. All Group E occupancies which involve day care, mentally retarded persons (profoundly or severely), or non-ambulatory persons. For the purpose of this

section, these uses shall be as defined by the Uniform Building Code with state of California amendments, as amended and as adopted by the city. (Ord. 1025 N.S. § 4, 1991)

18.36.040 Site development standards.

A. The following site development standards shall apply in the ML light industrial district:

1. Minimum lot area, forty thousand square feet;
2. Minimum lot width, one hundred feet;
3. Minimum lot depth, one hundred feet;
4. Maximum building coverage, fifty percent;
5. Minimum setbacks;
 - a. Front, forty feet,
 - b. Rear, twenty feet,
 - c. Side, ten feet;
6. Maximum height, fifty feet.

B. Areas used for outdoor sales and display shall meet the minimum design standards applicable to off-street parking facilities with respect to paving, grading, drainage, access to public streets, safety and protective features, lighting, landscaping, and visual screening.

C. On any portion of a site in the ML district which abuts a lot in any residential zoning district, a minimum interior yard of thirty feet shall be required, and a solid wall or fence of six feet in height shall be constructed and maintained along the common lot line. At least ten feet of the interior yard width shall be planted and maintained as a landscaped screen.

D. All uses, whether permitted or conditional, shall be constructed in such a manner so as to avoid any nuisance, hazard or commonly recognized offensive condition or characteristic, as established by the performance standards of Chapter 18.48 of this title.

E. All signs shall be subject to the limitations stated in Chapter 18.76 of this title.

F. Side Street Side Yard. A side yard along the side street lot line of a corner lot shall have a width of not less than fifteen feet or one-half the required depth of the front yard, whichever is greater.

G. Cul-de-sac lot width, minimum of forty feet as measured along the front property line. (Ord. 899 N.S. §§ 6 (part), 22 (part), 1989; Ord. 559 N.S. § A (part), 1981)

18.36.050 Additional required conditions.

A. Architectural and site plan approval shall be required of all uses situated on sensitive sites, as defined in Chapter 18.74 of this title.

B. Where any lot in the light industrial district abuts residentially zoned property, a thirty-foot minimum setback shall apply. (Ord. 1111 N.S. § 22, 1992; Ord. 899 N.S. § 31, 1989; Ord. 559 N.S. § A (part), 1981)

Chapter 18.38

MG GENERAL INDUSTRIAL DISTRICT

Sections:

- 18.38.010 Purpose of district.
- 18.38.020 Permitted uses.
- 18.38.030 Conditional uses.
- 18.38.035 Prohibited uses.
- 18.38.040 Site development standards.
- 18.38.050 Additional required conditions.

18.38.010 Purpose of district.

The MG general industrial district is intended to provide areas for general industrial, manufacturing, wholesale and service uses needed by the city and region subject to regulations necessary to protect other nearby uses from hazards and noise and other disturbances. (Ord. 997 N.S. § 2 (part), 1990; Ord. 559 N.S. § A (part), 1981)

18.38.020 Permitted uses.

The following uses shall be permitted in the MG general industrial district:

- A. All permitted uses in the ML zoning district;
- B. Agriculture, including agricultural nurseries;
- C. Building material sales operations;
- D. Minor and major motor vehicle repair facilities, but not to include the separate retail sale of automotive parts;
- E. Printing and lithographic shops, electrical, plumbing, cabinet, heating and upholstering shops;
- F. Public utility buildings and service yards;
- G. Any research, wholesale or storage use;
- H. Adult businesses, as defined by Sections 18.04.018.2 et seq. and 18.48.170 and 18.48.180 of this title, subject to receipt and maintenance in good standing of a police permit pursuant to Sections 5.60.010 et seq. of the Municipal Code. (Ord. 1150 N.S. § III C, 1993; Ord. 1135 § 34, 1993; Ord. 1055 N.S. § III C, 1991; Ord. 1025 N.S. § 3, 1991; Ord. 997 §§ 1, 2 (part), 1990; Ord. 559 N.S. § A (part), 1981)

18.38.030 Conditional uses.

The following uses may be conditionally allowed in the MG general industrial district, subject to issuance of a conditional use permit in accordance with Chapter 18.54 of this title:

- A. Railroad yards and freight stations, and trucking and motor freight stations;
- B. Secondary materials processing;
- C. Bituminous paving and products plant;
- D. Concrete batching plants;
- E. Manufacturing of alcoholic beverages;
- F. Food processing and packing plants;
- G. Perishable food storage;
- H. Salvage yards;
- I. Sales of goods manufactured or processed on the premises;
- J. Caretakers units;
- K. Any use allowed by right or conditionally allowed in the CG general commercial district, which is ancillary to and supportive of permitted uses in the MG zone, excluding retail sales other than those listed above;
- L. All uses conditionally permitted in the ML zoning district.
- M. Any other general manufacturing use which the planning commission finds to be of a similar nature to the uses permitted in this district. (Ord. 1063 N.S. § 2, 1992; Ord. 1055 N.S. § C (part), 1991; Ord. 997 N.S. § 2 (part), 1990; Ord. 559 N.S. § A (part), 1981)

18.38.035 Prohibited uses.

The following uses are prohibited from locating in the MG, general industrial zoning district:

- A. All Group I occupancies;
- B. All Group E occupancies which involve day care, mentally retarded persons (profoundly or severely), or non-ambulatory persons. For the purpose of this section these uses shall be as defined by the Uniform Building code with California amendments and as adopted by the city. (Ord. 1055 N.S. § C (part), 1991)

18.38.040 Site development standards.

A. The following site development standards shall apply in the MG general industrial district:

1. Minimum lot area, forty thousand square feet;
2. Minimum lot width, one hundred fifty feet;
3. Minimum lot depth, two hundred feet;
4. Maximum building coverage, sixty percent;
5. Minimum setbacks:
 - a. Front, thirty feet,
 - b. Rear, thirty feet,
 - c. Side, thirty feet;
6. Maximum building height, fifty feet.

B. Areas used for outdoor storage shall meet the minimum design standards applicable to off-street parking facilities with respect to paving, grading, drainage, access to public streets, safety and protective features, lighting, landscaping, and screening.

C. On any portion of a site in the MG district which abuts a lot in any residential zoning district, twenty feet of the required yard area so adjoining shall be planted and maintained as a landscaped screen, and a solid wall or fence of six feet in height shall be constructed and maintained along the common lot line.

D. All uses, whether permitted or conditional, shall be conducted in such a manner so as to avoid any nuisance, hazard or commonly recognized offensive condition or characteristic, as established by the performance standards of Chapter 18.48 of this title.

E. Signs shall be regulated in accordance with Chapter 18.76 of this title.

F. Side Street Side Yard. A side yard along the side street lot line of a corner lot shall have a width of not less than fifteen feet or one-half the required depth of the front yard, whichever is greater.

G. Cul-de-sac lot width, minimum of forty feet as measured along the front property line. (Ord. 899 N.S. §§ 6 (part), 22 (part), 1989; Ord. 559 N.S. § A (part), 1981)

18.38.050 Additional required conditions.

A. Architectural and site plan approval shall be required of all uses situated on sensitive sites, as defined in Chapter 18.74 of this title. (Ord. 1111 § 23, 1992; Ord. 559 N.S. § A (part), 1981)

Chapter 18.40

MC CAMPUS INDUSTRIAL DISTRICT

Sections:

- 18.40.010 Purpose of district.
- 18.40.020 Permitted uses.
- 18.40.030 Conditional uses.
- 18.40.035 Prohibited uses.
- 18.40.040 Site development standards.
- 18.40.050 Additional required conditions.

18.40.010 Purpose of district.

The MC campus industrial district is intended to provide an environment exclusively for and conducive to the development and protection of modern administrative facilities, research institutions and specialized manufacturing operations. (Ord. 997 N.S. § 3 (part), 1990)

18.40.020 Permitted uses.

The following uses shall be permitted in the MC campus industrial district:

- A. Administrative and executive offices;
- B. Research, experimental and engineering laboratories;
- C. Manufacturing of: electronic instruments and components for such instruments, precise timing and necessary instruments for use in research and development and precision manufacturing and pharmaceuticals;
- D. Publishing services;
- E. Incidental services, such as food and beverage dispensing and sales facilities to serve the employees and guests of an occupant of the district when conducted within an integral part of a main structure, and having no exterior display or advertising signs.
- F. Adult businesses, as defined and regulated by Sections 18.04.018.2 et seq. and 18.48.170 and 18.48.180 of this title, subject to receipt and maintenance in good standing of a police permit pursuant to Sections 5.60.010 et seq. of the Municipal Code. (Ord. 1150 N.S. § III D., 1993; Ord. 997 N.S. § 3 (part), 1990)

18.40.030 Conditional uses.

The following uses may be conditionally allowed in the MC campus industrial district, subject to issuance of a conditional use permit in accordance with Chapter 18.54 of this title:

- A. Public or quasi-public uses of an educational or recreational nature;
- B. Hazardous materials reprocessing;
- C. Any other administrative, research or specialized manufacturing use which the planning commission finds to be of a similar nature to the uses permitted in this district. (Ord. 1104 N.S. § 1 (part), 1992; Ord. 997 N.S. § 3 (part), 1990)

18.40.035 Prohibited Uses

The following uses are prohibited from locating in the M-C Campus Industrial Zoning District:

- A. All Group I occupancies;
- B. All Group E occupancies which involve day care, mentally retarded persons (profoundly or severely) or non-ambulatory persons. For purposes of this section, these uses shall be defined by the Uniform Building Code with California amendments and as adopted by the City." (Ord. 1104 N.S. § 1 (Exh. A)(part), 1992)

18.40.040 Site development standards.

A. The following site development standards shall apply to the MC campus industrial district:

- 1. Minimum lot area, twenty acres;
- 2. Minimum lot width, three hundred feet;
- 3. Minimum lot depth, three hundred feet;
- 4. Maximum floor area ratio, 0.2;
- 5. Minimum setbacks:
 - a. Front, fifty feet,
 - b. Rear, fifty feet,
 - c. Side, fifty feet;
- 6. Minimum setbacks for parking areas:
 - a. Forty feet from all rights-of-way,
 - b. Twenty feet from all other property lines;

- 7. Maximum height, three stories or thirty-five feet.
- B. All uses shall be conducted wholly within a completely enclosed building.
- C. On any portion of a site in the MC district which abuts a lot in any residential zoning district, the yard area so abutting shall have a solid wall or fence of six feet in height along the common lot line, and shall be landscaped a minimum of twenty feet in width.
- D. All uses, whether permitted or conditional, shall be conducted in such a manner so as to avoid any nuisance, hazard, or commonly recognized offensive condition or characteristic as established by the performance standards of Chapter 18.48 of this title.
- E. All uses shall be subject to architectural and site plan approval in accordance with Chapter 18.74 of this title.
- F. On-site recreational facilities shall be required for all uses employing one hundred or more people. (Ord. 1111 N.S. § 24, 1992; Ord. 997 N.S. § 3 (part), 1990)

18.40.050 Additional required conditions.

A development plan shall be required for all proposed uses meeting the submittal standards of the planned unit development district; see Section 18.30.060 of this title. Said development plan shall illustrate a clustering of industrial activity away from the freeway (for those properties adjacent to Highway 101) and away from the city limits (for those properties adjacent or near the city limits). (Ord. 997 N.S. § 3 (part), 1990)

Chapter 18.41

MO OFFICE INDUSTRIAL DISTRICT

Sections:

- 18.41.010 Purpose of district.
- 18.41.020 Permitted uses.
- 18.41.030 Conditional uses.
- 18.41.040 Site development standards.
- 18.41.050 Additional required conditions.

18.41.010 Purpose of district.

The MO office industrial district is intended to provide areas for mixed administrative and executive office uses in appropriate areas within the community. (Ord. 1050 N.S. § 1 (part), 1991)

18.41.020 Permitted uses.

The following uses shall be permitted in the MO office industrial district:

- A. Administrative and executive offices;
- B. Research, experimental and engineering laboratories devoted exclusively to basic research, engineering development, or product development provided that the operation can be classified as a Level One hazardous materials user as defined by the Morgan Hill Fire Department Policy II-16;
- C. Incidental services, such as food and beverage dispensing and sales facilities to serve the employees, guests and occupants of the district when conducted within an integral part of a main structure, and having no exterior display or advertising signs. (Ord. 1050 N.S. § 1 (part), 1991)

18.41.030 Conditional uses.

The following uses may be conditionally allowed in the MO office industrial district, subject to issuance of a conditional use permit in accordance with Chapter 18.54 of this title:

- A. Uses of an educational or recreational nature;
- B. Printing, facilities to be used solely for papers and documents produced, or used in connection with, a primary use conducted on the site;
- C. Blueprint and photocopy services;
- D. Office and business machine stores;
- E. Off-site pole or pylon freeway-oriented signs pursuant to Section 18.76.270.C.4;
- F. Any manufacturing, processing or warehousing, which are listed as permitted uses within the ML, light industrial zoning district provided that those activities are conducted in association with a permitted use within this zone;
- G. Any other use which the planning commission finds to be of similar nature to the permitted or conditional uses specified in this chapter for the MO zoning district. (Ord. 1134 N.S. § 5, 1993; Ord. 1050 N.S. § 1 (part), 1991)

18.41.040 Site development standards.

- A. The following site development standards shall apply to the MO office industrial district:
 - 1. Minimum lot area, forty thousand square feet;
 - 2. Minimum lot width, one hundred feet;
 - 3. Minimum lot depth, one hundred feet;
 - 4. Minimum setbacks:
 - a. Front, forty feet,
 - b. Rear, twenty feet,
 - c. Side, ten feet;
 - 5. Maximum building coverage, forty percent;
 - 6. Maximum height, three stories or thirty-five feet.
- B. All uses shall be conducted wholly within a completely enclosed building.
- C. On any portion of a site in the MO district which abuts a lot in any residential district, the yard so abutting shall have a solid wall or fence of six feet in height along the common lot line, and shall be landscaped a minimum of twenty feet in width.
- D. All uses, whether permitted or conditional, shall be conducted in such a manner so as to avoid any nuisance or commonly recognized offensive condition or characteristic as established by the performance standards of Chapter 18.48 of this title. (Ord. 1050 N.S. § 1 (part), 1991)

18.41.050 Additional required conditions.

A. Architectural and site plan approval shall be required of all uses situated on sensitive sites, as defined in Chapter 18.74 of this title. (Ord. 1135 § 39, 1993)

Chapter 18.42

FLOOD DAMAGE PREVENTION*

Sections:

18.42.010	Statutory authority.
18.42.020	Findings.
18.42.030	Purpose of provisions.
18.42.040	Flood loss reduction methods.
18.42.050	Definitions.
18.42.060	Lands to which this chapter applies.
18.42.070	Areas of special flood hazard--Establishment basis.
18.42.080	Compliance with chapter provisions.
18.42.090	Abrogation and greater restrictions.
18.42.100	Interpretation of provisions.
18.42.110	Liability warning and disclaimer.
18.42.120	Severability.
18.42.130	Development permit required when.
18.42.140	Floodplain administrator--Administrative authority.
18.42.150	Floodplain administrator--Powers and duties.
18.42.160	Construction standards.
18.42.170	Utility facility standards.
18.42.180	Subdivision standards.
18.42.190	Manufactured home standards.
18.42.200	Floodways.
18.42.210	Mudslide (i.e., mudflow) prone areas.
18.42.220	Flood-related erosion-prone areas.
18.42.240	Appeals and requests for variances.
18.42.250	Variances--Issuance--Restrictions.

* Prior ordinance history: Ords. 580 N.S., 641 N.S. and 769 N.S.

18.42.010 Statutory authority.

The Legislature of the state has, in Government Code Sections 65302, 65560 and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the city

council adopts the regulations related to the prevention of flood damage as set out in this chapter. (Ord. 858 N.S. § 1 (part), 1988)

18.42.020 Findings.

A. The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards, which increase flood heights and velocities, and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 858 N.S. § 1 (part), 1988)

18.42.030 Purpose of provisions.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood-control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood-blight areas;
- G. To insure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To insure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 858 N.S. § 1 (part), 1988)

18.42.040 Flood loss reduction methods.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 858 N.S. § 1 (part), 1988)

18.42.050 Definitions.

Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage, and to give this chapter its most reasonable application.

- 1. "Appeal" means a request for review of the floodplain administrator's interpretation of any provision of this chapter or a request for a variance.
- 2. "Area of shallow flooding" means a designated AO or AH zone on the Flood Insurance Rate Map ("FIRM"). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.
- 3. "Area of special flood-related erosion hazard" is the area subject to severe flood-related erosion losses. The area is designated as Zone E on the Flood Insurance Rate Map (FIRM).
- 4. "Area of special flood hazard," see "Special flood hazard area."
- 5. "Area of special mudslide (i.e., mudflow) hazard" is the area subject to severe mudslides (i.e., mudflows). The area is designated as Zone M on the Flood Insurance Rate Map (FIRM).
- 6. "Base flood" means the flood having a one-percent chance of being equalled or exceeded in any given year (also called the "100-year flood").

7. "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

8. "Breakaway walls" are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by floodwaters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

b. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

9. "Development" means any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

10. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of floodwaters;

b. The unusual and rapid accumulation of runoff of surface waters from any source; and/or

c. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or any unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this subsection.

11. "Flood Boundary and Floodway Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

12. "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk-premium zones applicable to the community.

13. "Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

14. "Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

15. "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

16. "Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

17. "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

18. "Floodway" means the channel of a river or other watercourse, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "regulatory floodway."

19. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

20. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

21. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the chapter.

22. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a

permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty consecutive days.

23. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

24. "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are references.

25. "New construction" means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by this community.

26. "One-hundred-year flood" or "100-year flood" means a flood which has a one percent annual probability of being equalled or exceeded. It is identical to "base flood," which will be the term used throughout this chapter.

27. "Person" means an individual or his agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.

28. "Remedy a violation" means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

29. "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

30. "Special flood hazard area (SFHA)" means an area having special flood or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99 or AH.

31. "Start of construction" includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent

construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

32. "Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

33. a. "Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

- i. Before the improvement or repair is started; or
 - ii. If the structure has been damaged and is being restored, before the damage occurred.
- b. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

c. The term does not, however, include either:

- i. Any project for the improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- ii. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

34. "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

35. "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided. (Ord. 858 N.S. § 1 (part), 1988)

18.42.060 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards, areas of flood-related erosion hazards and areas of mudslide (i.e., mudflow) hazards within the jurisdiction of the city. (Ord. 858 N.S. § 1 (part), 1988)

18.42.070 Areas of special flood hazard—Establishment basis.

The areas of special flood hazard, areas of flood-related erosion hazards and areas of mudslide (i.e., mudflow) hazards identified by the Federal Emergency Management Agency or the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Morgan Hill," in effect as of February 29, 1988, with an accompanying Flood Insurance Rate Map, which is adopted by reference and declared to be a part of the ordinance codified in this chapter. The Flood Insurance Study is on file at the City Hall located at 17555 Peak Avenue, Morgan Hill, California. This Flood Insurance Study is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the city council of the city. (Ord. 858 N.S. § 1 (part), 1988)

18.42.080 Compliance with chapter provisions.

No structure or land shall be constructed, located, extended, converted or altered after the effective date of the ordinance codified in this chapter, without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing in this chapter shall prevent the city council from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. 858 N.S. § 1 (part), 1988)

18.42.090 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where the ordinance codified in this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 858 N.S. § 1 (part), 1988)

18.42.100 Interpretation of provisions.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 858 N.S. § 1 (part), 1988)

18.42.110 Liability warning and disclaimer.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards, areas of flood-related erosion hazards and areas of mudslide (i.e., mudflow) hazards or uses permitted within such areas, will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 858 N.S. § 1 (part), 1988)

18.42.120 Severability.

The ordinance codified in this chapter and the various parts thereof are declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof, other than the section so declared unconstitutional or invalid. (Ord. 858 N.S. § 1 (part), 1988)

18.42.130 Development permit required when.

- A. A development permit shall be obtained before construction or development begins within any area of special flood hazards, areas of flood-related erosion hazards or areas of mudslide (i.e., mudflow) hazards established in Section 18.42.070. Application for a development permit shall be made on forms furnished by

the floodplain administrator and may include, but not be limited to: plans in duplicate, drawn to scale showing the nature, location, dimensions and elevation of the area in question; existing or proposed structures, fill, storage of materials, and drainage facilities; and the location of the foregoing.

B. Specifically, the following information is required:

1. Proposed elevation, in relation to mean sea level, of the lowest floor, including basement, of all structures; in Zone AD or VD, elevation of highest adjacent grade and proposed elevation of the lowest floor of all structures;

2. Proposed elevation, in relation to mean sea level, to which any structure will be floodproofed;

3. All appropriate certifications listed in Section 18.42.150(D) of this chapter; and

4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 858 N.S. § 1 (part), 1988)

18.42.140 Floodplain administrator—Administrative authority.

The city manager or his designate shall administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. (Ord. 858 N.S. § 1 (part), 1988)

18.42.150 Floodplain administrator—Powers and duties.

The duties and responsibilities of the floodplain administrator shall include, but not be limited to:

A. Permit Review.

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied,

2. All other required state and federal permits have been obtained;

3. The site is reasonably safe from flooding,

4. The proposed development does not adversely affect the flood-carrying capacity of the floodway. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.

B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 18.42.070 of this chapter, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Section 18.42.160 and the following. Any such information shall be submitted to the city council for adoption.

C. Whenever a watercourse is to be altered or relocated:

1. Notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;

2. Require that the flood-carrying capacity of the altered or relocated portion of such watercourse is maintained.

D. Obtain and maintain for public inspection and make available as needed:

1. The certification required in Section 18.42.160(C)(1) (floor elevations);

2. The certification required in Section 18.42.160(C)(2), (elevations in areas of shallow flooding);

3. The certification required in Section 18.42.160(C)(3)(c) (elevation or floodproofing of nonresidential structures);

4. The certification required in Section 18.42.160(C)(4)(a) or (b) (wet floodproofing standard);

5. The certified elevation required in Section 18.42.180(B) (subdivision standards);

6. The certification required in Section 18.42.200(A) (floodway encroachments);

7. The reports required in Section 18.42.210(D) (mudflow standards).

E. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards, areas of flood-related erosion hazards or areas of mudslide (i.e., mudflow), for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation, as provided in Section 18.42.240.

F. Take action to remedy violations of this chapter as specified in Section 18.42.080. (Ord. 858 N.S. § 1 (part), 1988)

18.42.160 Construction standards.

In all areas of special flood hazards, the standards set out in this section are required.

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. All manufactured homes shall meet the anchoring standards of Section 18.42.190.

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. Require within Zones AH or AO adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

C. Elevation and Floodproofing.

1. New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. Nonresidential structures may meet the standards in paragraph 3 of this subsection. Upon completion of the structure, the elevation of the lowest habitable floor, including basement, shall be certified by a registered professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.

2. New construction and substantial improvement of any structure in Zone AH or AO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM, or at least two feet if no depth number is specified. Nonresidential structures may meet the standards in paragraph 3 of this subsection. Upon completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.

3. Nonresidential construction shall either be elevated in conformance with paragraph 1 or 2 of this subsection, and together with attendant utility and sanitary facilities:

a. Be floodproofed so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the floodplain administrator.

4. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. Either a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or

b. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration.

5. Manufactured homes shall also meet the standards in Section 18.42.190. (Ord. 858 N.S. § 1 (part), 1988)

18.42.170 Utility facility standards.

A. All new and replacement water-supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system, and discharge from systems into floodwaters.

B. On-site disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 858 N.S. § 1 (part), 1988)

18.42.180 Subdivision standards.

- A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.
- B. All final subdivision plans will provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor, and provided to the floodplain administrator.
- C. All subdivision proposals shall be consistent with the need to minimize flood damage.
- D. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards. (Ord. 858 N.S. § 1 (part), 1988)

18.42.190 Manufactured home standards.

All new and replacement manufactured homes and additions to manufactured homes shall:

- A. Be elevated so that the lowest floor is at or above the base flood elevation; and
- B. Be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement. (Ord. 858 N.S. § 1 (part), 1988)

18.42.200 Floodways.

Located within areas of special flood hazard established in Section 18.42.070 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge;

B. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all other applicable flood-hazard reduction provisions of Sections 18.42.160 through 18.42.220. (Ord. 858 N.S. § 1 (part), 1988)

18.42.210 Mudslide (i.e., mudflow) prone areas.

A. The floodplain administrator shall review permits for proposed construction or other development to determine if it is proposed within a mudslide area.

B. Permits shall be reviewed to determine that the proposed development is reasonably safe from mudslide hazards. Factors to be considered in making this determination include, but are not limited to:

1. The type and quality of soils;
2. Evidence of groundwater or surface water problems;
3. The depth and quality of any fill;
4. The overall slope of the site; and
5. The weight that any proposed development will impose on the slope.

C. Within areas which have mudslide hazards, the following requirements apply:

1. A site investigation and further review shall be made by persons qualified in geology and soils engineering;

2. The proposed grading, excavation, new construction and substantial improvements shall be adequately designed and protected against mudslide damages;

3. The proposed grading, excavations, new construction and substantial improvements do not aggravate the existing hazard by creating either on-site or off-site disturbances; and

4. Drainage, planting, watering and maintenance shall not endanger slope stability.

D. Within Zone M of the Flood Insurance Rate Map, the community shall adopt a drainage ordinance which at least complies with the standards of Sections 7001 through 7006 and Sections 7008 through 7015 of the most recent amendment of the 1973 Uniform Building Code.

1. The location of foundation and utility systems of new construction and substantial improvements;

2. The location, drainage and maintenance of all excavations, cuts and fills and planted slopes;

3. Protective measures including, but not limited to, retaining walls, buttress fills, subdrains, diverter terraces, benchings, etc.; and

4. Engineering drawings and specifications to be submitted for all corrective measures, accompanied by supporting soils engineering and geology reports. (Ord. 858 N.S. § 1 (part), 1988)

18.42.220 Flood-related erosion-prone areas.

A. The floodplain administrator shall require permits for proposed construction and other development within all flood-related erosion-prone areas as known to the community.

B. Such permits shall be reviewed to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing hazard.

C. If a proposed improvement is found to be in the path of flood-related erosion or would increase the erosion hazard, such improvement shall be relocated or adequate protective measures shall be taken to avoid aggravating the existing erosion hazard.

D. Within Zone E on the Flood Insurance Rate Map, a setback is required for all new development from the ocean, lake, bay, riverfront or other body of water to create a safety buffer consisting of a natural vegetative or contour strip. This buffer shall be designated according to the flood-related erosion hazard and erosion rate, in relation to the anticipated "useful life" of structures, and depending upon the geologic, hydrologic, topographic and climatic characteristics of the land. The buffer may be used for suitable open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas and for other activities using temporary and portable structures only. (Ord. 858 N.S. § 1 (part), 1988)

18.42.240 Appeals and requests for variances.

A. The city council shall hear and decide the appeals and requests for variances from the requirements of this chapter.

B. The city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the floodplain administrator in the enforcement or administration of this chapter.

C. In passing upon such applications, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

D. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsections (C)(1) through (C)(11) of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

E. Upon consideration of the factors of subsection C of this section and the purposes of this chapter, the planning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

F. The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request. (Ord. 858 N.S. § 1 (part), 1988)

18.42.250 Variances—Issuance—Restrictions.

A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances shall only be issued upon:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

E. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the provisions of subsections A through D of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the risk resulting from the reduced floor elevation. A copy of the notice shall be recorded by the floodplain board in the office of the county recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land. (Ord. 858 N.S. § 1 (part), 1988)

Chapter 18.43

SEISMIC COMBINING DISTRICT

Sections:

- 18.43.010 Purpose.
- 18.43.020 Definitions.
- 18.43.030 Compliance required.
- 18.43.040 Construction limitations.
- 18.43.050 Geologic report--Need.
- 18.43.060 Geologic report--Waiver.
- 18.43.070 Geologic report--Preparation.
- 18.43.080 Geologic report--Consideration.
- 18.43.090 Appeal.
- 18.43.100 Additional regulations.

18.43.010 Purpose.

The purpose of the provisions of this chapter is to require the consideration of geologic hazards when considering applications and permits for "projects" as defined by Section 2621.6 of the Resource Code of the state. (Ord. 863 N.S. § 5 (part), 1988)

18.43.020 Definitions.

For the purposes of this chapter, certain terms are defined as set out in this section:

A. "Active fault" means any fault which has had surface displacement within Holocene time (about the last eleven thousand years), hence constituting a potential hazard to structures that might be located across it.

B. "Application" or "approval" means the documents necessary for consideration of a land use request and the necessary authorization by various departments and governmental bodies of the city before construction may proceed. These items shall include, but not be limited to, tentative maps, parcel maps, conditional use permits, variances, site and architectural review, and building permits.

C. "Director" means the director of the community development department or his duly appointed representative.

D. "Fault trace" means the line formed by the intersection of fault and the earth's surface and also means the representation of a fault depicted on a map.

E. "Fault zone" means an area comprising related faults which commonly are braided and subparallel but may be branching or divergent.

F. "Potentially active fault" means any fault considered to have been active during Quaternary time (about the last two million years).

G. "Projects," as used in this chapter, means:

1. Any subdivision of land which is subject to the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7 of the Government Code, and which contemplates the eventual construction of structures for human occupancy;

2. Structures for human occupancy, with the exception of:

a. Single-family wood-frame dwellings to be built on parcels of land for which geologic reports have been approved pursuant to the provisions of paragraph 1 of this subsection.

H. "Qualified geologist" means a geologist registered in the state, licensed by the State Board of Registration for geologists to practice geology in California.

I. "Special studies zones" means those areas located within the city and designated as special studies zones by the State Geologist pursuant to Section 2622 of the Resources Code of the state, including any revisions and additions to the special studies zones designated by the state in accordance with said section.

J. "Structures for human occupancy" means a structure that is regularly, habitually, or primarily occupied by humans (which is expected to have a human occupancy rate of more than two thousand person hours per year), excluding freeways, roadways, bridges, railways, airport runways, tunnels, swimming pools, decorative walls and fences and minor work of a similar nature, and alterations or repairs to an existing structure, provided that the aggregate value of such alteration or repair shall not exceed fifty percent of the value of the existing structure and shall not adversely affect the structural integrity of the existing structure. (Ord. 863 N.S. § 5 (part), 1988)

18.43.030 Compliance required.

Prior to the consideration or an application for a project within the seismic combining district the provisions of this chapter shall be reviewed and met. (Ord. 863 N.S. § 5 (part), 1988)

18.43.040 Construction limitations.

No project shall be constructed across the trace of a known active fault or within the area identified as the seismic combining district as shown on the map entitled "Zoning Map of the City of Morgan Hill." Furthermore, the area within fifty feet of an active fault shall be assumed to be underlain by active branches of the fault unless and until proven otherwise by an appropriate geologic investigation by and submission of a report from a qualified geologist. As a result no such structures shall be permitted in this area. Additionally, no change in use or character of occupancy, which results in the conversion of a building or structure from one not used for human occupancy to one that is so used, shall be permitted unless the building or structure complies with the provisions of the Alquist-Priolo Special Studies Zones Act and this chapter. (Ord. 863 N.S. § 5 (part), 1988)

18.43.050 Geologic report—Need.

The director shall review each application for a project if the proposed project is located within a special studies zone. If, after such review, it is determined that the proposed project will be located within a special studies zone, the director shall require the applicant to enter into an agreement with the city for consultant services for the preparation of a geologic report. Upon receipt of a signed agreement and any required administrative fees, the director shall cause the geologic report to be prepared by a qualified geologist selected by the city. One copy of all such geologic reports shall be filed with the State Geologist by the city within thirty days following the report's acceptance. (Ord. 863 N.S. § 5 (part), 1988)

18.43.060 Geologic report—Waiver.

The director may waive the requirement that a geologic report be prepared pursuant to this chapter, if based on the advice and recommendation of a qualified geologist retained by the city, or is satisfied that there is sufficient technical information available from previous geologic studies and reports to determine that no undue fault hazard exists. This determination shall be in writing, citing the reasons for such waiver. Any waiver shall be allowed only upon receipt of approval from the State Geologist. (Ord. 863 N.S. § 5 (part), 1988)

18.43.070 Geologic report--Preparation.

The geologic report required by this chapter shall be prepared and based on an investigation directed to the problem of potential surface displacement through the project site, and shall identify the location, recency, and nature of faulting that may have affected the project site in the past and may affect the project in the future. The suggested outline for geologic reports shall be consistent within the format presented in Appendix C of Special Publication 42, revised 1985, Fault-Rupture Hazard Zones in California, published by the Division of Mines and Geology of the Department of Conservation. The report may be combined with other geologic or geotechnical reports. (Ord. 863 N.S. § 5 (part), 1988)

18.43.080 Geologic report--Consideration.

The geologic report prepared pursuant to this chapter shall be used by the appropriate city board, commission, council or staff person required to pass upon the project. The recommendations contained within the report shall be incorporated by the appropriate body in the resolution of approval or denial of such project. The approving body may approve, deny or impose necessary conditions required to protect the public health, safety and general welfare from geologic hazards. (Ord. 863 N.S. § 5 (part), 1988)

18.43.090 Appeal.

The decision of the approving board, commission or staff member may be appealed pursuant to the applicable appellate provisions set forth in Chapter 18.64 of this code. (Ord. 863 N.S. § 5 (part), 1988)

18.43.100 Additional regulations.

In addition to the regulations set forth in this chapter, the community development department, with the consent of the city council, may adopt such standards or regulations as are necessary to protect the public from seismic hazards. These standards or regulations may be more stringent than, but shall not be in conflict with, the provisions of any policies and criteria adopted by the State Mining and Geology

Board pursuant to Section 2623 of the Public Resources Code of the state, except where more stringent standards or regulations have been adopted, the policies and criteria adopted from time to time by the State Mining and Geology Board shall apply within the city. (Ord. 863 N.S. § 5 (part), 1988)

Chapter 18.44

(H) HILLSIDE COMBINING DISTRICT

Sections:

- 18.44.010 Purpose of district--Applicability.
 - 18.44.020 Establishment conditions--Designation.
 - 18.44.030 Environmental constraints and building restrictions.
 - 18.44.040 Lot area.
 - 18.44.050 Ground slope.
 - 18.44.060 Land modification restrictions.
 - 18.44.070 Open space requirements--Table of percentages.
 - 18.44.080 One dwelling unit per site--Conditions.
 - 18.44.090 Ridgeline location limitations.
 - 18.44.100 Five or more lots--RPD district required.
 - 18.44.110 Significant tree protection.
 - 18.44.120 El Toro Mountain open space preservation.
 - 18.44.130 Cut-and-fill slopes.
 - 18.44.140 Erosion-control plan required.
 - 18.44.160 Transfer of permitted residential development credits--Purpose.
 - 18.44.170 Transfer of permitted residential development credits--Standards generally.
 - 18.44.180 Transfer of permitted residential development credits--Documentation.
 - 18.44.190 Transfer of permitted residential development credits--Action by city.
- (Ord. 1135 § 40, 1993)

18.44.010 Purpose of district--Applicability.

A. The purpose of the (H) combining district is to promote and encourage the orderly development of hillside areas, as designated on the land use plan of the General Plan, while preserving significant environmental features of those areas in accordance with policies adopted in the open space and conservation element of the General Plan.

B. This district shall apply to all areas within the city having an average slope of ten percent or greater. (Ord. 1135 § 41, 1993; Ord. 568 § A (part), 1981)

18.44.020 Establishment conditions--Designation.

A. An (H) district may be established only in conjunction with other districts. An (H) designation shall be combined with whatever other district designation is applicable to the area in which an (H) district is established.

B. The provisions of this chapter shall apply in an (H) district and shall also be subject to other provisions of Division I of this title, including the provisions applicable to the particular district to which the (H) district designation is added and combined, provided that where conflict between regulations occurs, the regulations specified in this chapter shall prevail.

C. Whenever an (H) district is established, and subsequent application to change the district with which the (H) district is combined shall not be construed to be an application to eliminate the (H) district for the area covered by the application, unless such intent to eliminate the (H) district is expressly stated to be part of the application. (Ord. 568 N.S. § A (part), 1981)

18.44.030 Environmental constraints and building restrictions.

A. No building, private street or driveway shall be constructed in an area identified by the General Plan Environmental Constraints Map as having any of the following characteristics, unless an on-site soils and geologic investigation proves otherwise:

1. Severe soil instability;
2. High erosion potential.

B. No building, private street or driveway shall be constructed on areas determined to be a landslide, or on areas in the path of a landslide, as identified by an on-site soils and geologic investigation or by any United States Geologic Survey.

C. No building, private street or driveway shall be constructed on areas having slopes in excess of twenty percent; provided, however, that minor encroachments of the facility onto slopes in excess of twenty percent may be permitted where the development review committee finds that the proposed encroachment will not conflict with the purpose and intent of this chapter. This provision shall not apply to lots existing prior to the adoption of the ordinance codified in Division I of this title. Development of such lots shall be regulated by Section 18.44.080 of this chapter. (Ord. 1135 § 42, 1993; Ord. 860 N.S. § 3, 1988; Ord. 568 N.S. § A (part), 1981)

18.44.040 Lot area.

A. The minimum lot area per dwelling unit shall be the more restrictive minimum lot area provided by the combined requirements of the (H) district and the base zoning district with which it is combined. The (H) district is subject to a decrease in density as the average slope of the lot increases in accordance with the slope-density chart. The slope-density standards represented by the chart (see Exhibit A), shall apply to all areas shown as "hillside" on the General Plan Diagram which are also in excess of ten-percent slope.

B. Within the slope-density standards established by Exhibit A, the minimum lot size shall not be less than "a" as determined by the formula:

$$S \times 2,000 = a$$

Where "S" is the average slope of the lots to be created in terms of percent. Where the average slope is in excess of fifty percent, the minimum lot size shall be five gross acres.

C. Lots with average slopes of ten percent or greater may be created in exception to the slope/area formula if the lots to be created contain an area of slope less than ten percent which is equal to or greater than the minimum lot size required by the underlying zoning district. In addition, deed restrictions must be recorded for such lots which restrict building to the area in which the average slope is ten percent or less. (Ord. 1135 § 43, 1993; Ord. 915 N.S. §§ 1, 2, 3, 4, 1989; Ord. 568 N.S. § A (part), 1981)

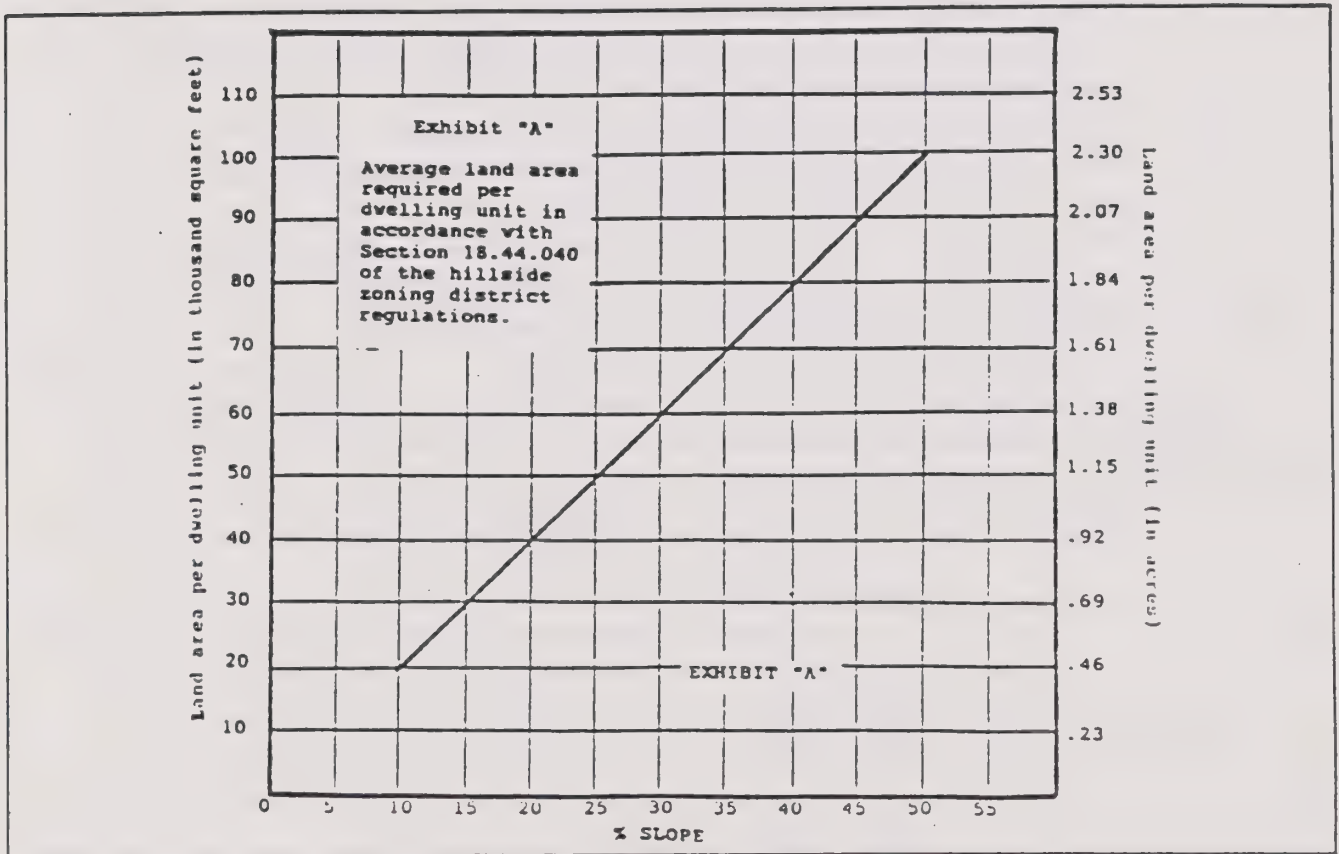
18.44.050 Ground slope.

A. The average ground slope shall be determined in accordance with the formula:

$$S = \frac{0.00229 \text{ IL}}{A}$$

B.	Where:	S	=	Average ground slope in percent
		I	=	Contour interval in feet
		L	=	Combined length of the contour lines in feet
		A	=	The gross area in acres of the parcel or lot

C. Measurements along contours shall be made at contour intervals not to exceed ten feet, and a horizontal map scale of one inch equals two hundred feet or larger. (Ord. 568 N.S. § A (part), 1981)



18.44.060 Land modification restrictions.

The portion of a lot having a ground slope in excess of twenty percent shall not be altered in any way by grading, the removal or alteration of natural features such as streams, rock outcrops, ridgelines, drainage swales, the removal of natural vegetation, or any activity related to the preparation of the lot for development purposes, except as may be required in the interest of public safety, such as:

- A. The provision of fire trails;
 - B. The removal of poisonous or noxious plants;
 - C. The controlled removal or thinning of vegetation as part of a fire-protection program approved by the fire chief;
 - D. Correction or stabilization of a geologic or seismic hazard; or
 - E. For other public safety purposes as approved by the planning commission.
- (Ord. 1135 § 44, 1993; Ord. 568 N.S. § A (part), 1981)

18.44.070 Open space requirements—Table of percentages.

The following table indicates the minimum percentage of lot area to remain in open space with no grading or terrain alteration.

Average Ground Slope (Percent)	Minimum Percent of Lot Area to Remain In Open Space
12.5 to 14.9	32.5
15.0 to 17.4	40.0
17.5 to 19.9	47.5
20.0 to 22.4	55.0
22.5 to 24.9	62.5
25.0 to 27.4	70.0
27.5 to 29.9	77.5
30.0 and above	85.0

(Ord. 568 N.S. § A (part), 1981)

18.44.080 One dwelling unit per site—Conditions.

If no portion of a lot contains slopes of less than twenty percent, and the lot is a lot of record legally created in accordance with applicable regulations of the city at the time of its creation, one dwelling unit and those accessory uses permitted may be constructed on such lot, provided that the proposed method of building and lot preparation conforms with recommendations acceptable to the development review committee (DRC) and the recommendation contained in a geologic report by a qualified engineer geologist. (Ord. 1135 § 45, 1993; Ord. 980 N.S. § 3 (part), 1990; Ord. 860 N.S. § 4, 1988; Ord. 568 N.S. § A (part), 1981)

18.44.090 Ridgeline location limitations.

A. No building shall be located on a ridgeline unless there is no other location on the lot which can accommodate a building, consistent with all other regulations and constraints applicable to the zone in which the lot is located, and a determination of this fact is made by the development review committee. A transfer of development credit (TDC) shall be attempted prior to allowing building on a ridge.

B. An applicant must exhaust all possible avenues of accommodating the development in area exclusive of ridgelines prior to consideration of a ridgeline building site. (Ord 1135 § 46, 1993; Ord. 860 N.S. § 5, 1988; Ord. 568 N.S. § A (part), 1981)

18.44.100 Five or more lots—RPD district required.

A residential planned development zoning district shall be required for all subdivisions in (H) districts where five or more lots are proposed. (Ord. 568 N.S. § A (part), 1981)

18.44.110 Significant tree protection.

Significant trees located in the (H) district shall be protected in accordance with regulations contained in Chapter 12.32 of this code. (Ord. 568 N.S. § A (part), 1981)

18.44.120 El Toro Mountain open space preservation.

Hillside area of El Toro Mountain shall be preserved in open space to the maximum extent possible above the five-hundred-foot elevation, with the exception of the Llagas Valley and Paradise Valley, where all area above the six-hundred-foot elevation shall be preserved to the maximum extent possible. Subdivisions proposed in these areas shall include open-space easement dedications in accordance with this requirement. A transfer of development credit (TDC) or residential planned development (RPD) shall be attempted prior to application for DRC approval. (Ord. 1135 § 47, 1993; Ord. 980 § 3 (part), 1990; Ord. 929 § 1, 1989; Ord. 568 § A (part), 1981)

18.44.130 Cut-and-fill slopes.

Cut-and-fill slopes shall not be steeper than two horizontal to one vertical (2:1) unless stabilized by a retaining wall or cribbing, as approved by the chief building official. (Ord. 1135 § 48, 1993; Ord. 568 N.S. § A (part), 1981)

18.44.140 Erosion-control plan required.

An erosion-control plan shall be required prior to any physical development on an area located within the (H) district. The plan shall meet the minimum standards and specifications of the Loma Prieta Resource Conservation District. (Ord. 1135 § 49, 1993; Ord. 568 N.S. § A (part), 1981)

18.44.160 Transfer of permitted residential development credits—Purpose.

A. These provisions are enacted to implement policies adopted in the open space and conservation element of the General Plan which encourage preservation of significant environmental features and in particular preservation of hillside areas. They permit a transfer of development credits (TDCs) from "transferor sites" located in areas where development is restricted by the hillside combining district in the unincorporated hillside areas of El Toro Mountain (as defined by Section 18.44.120 of this chapter), to "recipient sites," which are properties located in other areas of the City designated by this section and Sections 18.44.170 through 18.44.190 as authorized to receive the transfer of development credits.

B. In pursuit of these purposes, the city council may from time to time authorize by resolution the transfer of permitted residential development credits (TDC) from one lot or portion thereof to another lot, where such authorization is found to be consistent with the General Plan and provisions of this section and Sections 18.44.170 through 18.44.190. (Ord. 1135 § 50, 1993; Ord. 1094 N.S. § 1, 1992; Ord. 929 § 2, 1989; Ord. 568 § A (part), 1981)

18.44.170 Transfer of permitted residential development credits—Standards generally.

A. Zoning districts in which an increase in the number of dwelling units may be permitted shall be restricted to the residential districts listed under Chapters 18.10 through 18.18 of this title. The number of dwelling units permitted on a site shall not exceed more than ten percent of the maximum residential development credits transfer, exclusive of density bonuses provided by other sections of Division I of this title. The maximum density bonus on any site shall not exceed twenty-five percent, including affordable housing and TDC density bonuses.

B. The site to which the transfer of development credits is proposed shall be no less than one acre.

C. All yard requirements of the more restrictive district found along the perimeter of the site shall apply to perimeter yards on the site to which the transfer of development credit is proposed, unless the site is zoned for RPD or PUD zoning.

D. Transferable development credits shall be calculated in accordance with the slope-density regulations of this section, base district minimum lot sizes and this section.

1. In all hillside areas of the city, with the exception of El Toro Mountain (as defined by Section 18.44.120 of this chapter), the number of transferable development credits shall be determined as provided in Section 18.44.040 of this chapter.

2. On El Toro Mountain, the number of transferable development credits available to property within the city limits shall be twice that determined as provided in Section 18.44.040 of this chapter. The number of transferable development credits available to property on El Toro Mountain which is outside the city limits shall be twice that allowed by the Zoning Ordinance of Santa Clara County. The calculation of transferable development credits for El Toro Mountain shall be as follows:

$$\begin{array}{lcl} \text{Number of acres*} & \times & 2 \\ \text{Minimum lot size*} & & \text{development credits} \end{array} = \text{Number of transferable development credits}$$

* As determined by Section 18.44.040

3. The number of transferable development credits available to areas on El Toro Mountain above that allowed to other hillside areas of the city may only be used for transfer to other properties of slopes less than twenty percent and may not be used to increase on-site development potential.

4. In the calculation of transferable development credits, a fraction occurring at the end of a calculation which is 0.5 or larger shall be considered a full development credit. The city council may also exclude from calculation any existing dwelling and appurtenant structures on the site to be preserved. (Ord. 1135 § 51, 1993; Ord. 963 § 1, 1990; Ord. 929 § 3, 1989; Ord. 750 § 2, 1985; Ord. 568 § A (part), 1981)

18.44.180 Application for Issuance of TDCs.

An applicant for a transfer of permitted residential development credits shall present documentation to the planning commission and city council indicating:

A. The location, site area and related residential development credits of the transferor site permitted under the applicable provisions of Division I of this title which the applicant proposes to transfer;

B. When known, the location and land area of the recipient site to which such credits are to be transferred, the projected total number of dwelling units that would result on the recipient site from such a transfer, and a statement of the character of the projected housing development;

C. A legal description of the open space to be preserved on the transferor site by the transfer, accompanied by an open space (scenic) easement suitable for recordation and the applicable open-space policy to be implemented by the transfer;

D. A title report and any other documentation disclosing all existing interested in or obligations against the transferor site property to be affected by the open space easement.

E. Where applicable, the number of building allotments granted to the recipient site under the residential development control system (see Chapter 18.78 of this title). (Ord. 1135 § 52, 1993; Ord. 1094 § 2 (part), 1992; Ord. 568 § A (part), 1981)

18.44.190 Conveyance of development credits - to recipient sites.

Upon approval of the planning commission and the city council of a transfer development credit application, the city clerk shall issue a TDC certificate(s) to the applicant in a form approved by the city manager evidencing issuance of such TDC.

The following actions must be taken prior to these development credits being effectively conveyed to and utilized by the recipient property:

A. Approval by the planning commission of a detailed site plan of the recipient site to which the development credits are to be transferred;

B. Where recipient site is known, execution and recordation with the county recorder's office of an instrument legally sufficient both in form and content to effect conveyance of the TDCs from the transferor to the recipient site, such instrument shall specifically set forth the credits to be conveyed and the resultant total residential development credits assignable to the recipient site;

C. Execution and recordation with the county recorder's office of an instrument legally sufficient in form and content to effect conveyance of a permanent open-space easement in the transferor site dedicated to the city. Such open-space easement shall be unencumbered by any prior interest(s) or, if so encumbered, shall be accompanied by and recorded together with subordination agreement which evidence that all persons or entities having any interest in the transferor site have acknowledged the creation and transfer of development credits, consented to the terms and conditions of the open-space easement, and waived the priority of any rights or claims they may have in the transferor site. Recordation of the executed open-space easement and accompanying subordination agreement shall serve as notice of the dedication of open-space in the transferor site and shall be incorporated in the deeds of the transferor site;

D. An environmental initial study to determine the carrying capacity of the property from which development credits are being transferred. If environmental findings determine that the site, or a portion thereof, is unbuildable due to environmental constraints, the development credits to be transferred shall be reduced accordingly, prior to determining the number of units permissible under the slope-density formula;

E. Such other requirements as the city council may establish. (Ord. 1135 § 53, 1993; Ord. 1094 § 3 (part), 1992; Ord. 568 § A (part), 1981)

Chapter 18.46

(C) CONDITIONAL ZONING

Sections:

- 18.46.010 Purpose of district.
- 18.46.020 Conditions on use of property.
- 18.46.030 Time limits for development.
- 18.46.040 Reversion procedures.
- 18.46.050 Recordation of ordinance.

18.46.010 Purpose of district.

The purpose of the (C) district zoning is to limit the use on a specific property to one which is permitted in the underlying zoning district to which the (C) district is combined. This use limitation shall be consistent with the General Plan and is intended to assure land use compatibility between neighboring properties which might otherwise be in jeopardy should any use in the underlying zoning category be established in the (C) district. (Ord. 574 N.S. § 1 (part), 1982; Ord. 559 N.S. § A (part), 1981)

18.46.020 Conditions on use of property.

In any application for a rezoning or prezoning, the city council may restrict the use of a property to one which is established as a conditional or permitted use in the proposed district designation. No other conditions may be imposed. Conditions relating to setbacks, landscaping, on-site and off-site improvements and dedications shall be applied, as appropriate, during the subdivision, conditional use permit or design review process. (Ord. 574 N.S. § 1 (part), 1982; Ord. 559 N.S. § A (part), 1981)

18.46.030 Time limits for development.

If development and use of the property approved in accordance with Section 18.46.020 does not occur within three years of the effective date of the zoning ordinance establishing the conditional (C) zoning, the council may initiate proceedings to revert the land back to its prior zoning classification or other suitable classification, without condi-

tions. Extensions of time to develop the property may be granted for periods of up to one year upon a showing of good cause. (Ord. 574 N.S. § 1 (part), 1982: Ord. 559 N.S. § A (part), 1981)

18.46.040 Reversion procedures.

Such reversion proceedings can be initiated by a resolution or by motion recorded in the minutes of a regular or special council meeting, and shall require a public hearing of the planning commission, and city council enactment of an ordinance effecting the reversion or zoning change. Notice of these public hearings shall be given in the manner prescribed by the Government Code of the state for zoning amendments. (Ord. 574 N.S. § 1 (part), 1982: Ord. 559 N.S. § A (part), 1981)

18.46.050 Recordation of ordinance.

The ordinance granting a conditional zoning shall be recorded in the county recorder's office. (Ord. 574 N.S. § 1 (part), 1982: Ord. 559 N.S. § A (part), 1981)

Chapter 18.47

AFFORDABLE HOUSING BONUSES AND OTHER INCENTIVES

Sections:

18.47.010	Purpose of chapter.
18.47.020	Density bonuses.
18.47.030	Definitions.
18.47.040	Application.
18.47.050	Retaining affordability.
18.47.060	Affordable rents.

18.47.010 Purpose of chapter.

It is the purpose of this chapter to encourage the provision of affordable housing in the community by granting bonuses and other incentives to developers of residential projects that construct or otherwise provide for housing units that will be available for purchase or rent by senior citizens and lower income persons and households. (Ord. 1009 N.S. § 2 (part), 1991)

18.47.020 Density bonuses.

A. When a developer of housing agrees or proposes to construct at least (1) twenty percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the state Health and Safety code, or (2) ten percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code, or (3) fifty percent of the total dwelling units of a housing development for senior citizen housing, as defined in Section 51.2 of the state Civil Code, the city shall:

1. grant a density bonus and at least one concession or incentive unless the city makes a written finding that the additional concession or incentive is not required in order to provide for affordable housing costs as defined in Section 50052.5 of the state Health and Safety Code or for rents for the targeted units to be set as specified in Section 18.47.060, or may

2. Provide other incentives of equivalent financial value based upon the land cost per dwelling unit.

B. If a developer agrees to construct both twenty percent of the total units for lower-income households and ten percent of the total units for very low income households, the developer is entitled to one density bonus and one additional concession or incentive.

Additional bonuses, concessions and/or incentives may be granted by the planning commission upon finding that the project provides a greater percentage of units for lower income households.

C. Density bonuses of up to twenty-five percent may be granted for the inclusion of designated amenities as provided for under Chapter 18.18.

The total of affordable housing bonuses and design bonuses shall not exceed twenty-five percent. (Ord. 1009 N.S. § 2 (part), 1991)

18.47.030 Definitions.

A. For the purposes of Section 18.47.020(A) and (B), "density bonus" means a density increase of at least twenty-five percent over the otherwise maximum allowable residential density for the net lot area as defined in Section 18.40.250 of this title. The density bonus shall not be included when determining the number of housing units which is equal to ten or twenty percent of the total.

B. For the purposes of this chapter, "concession" or "incentive" means any of the following:

1. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements which exceed the minimum building standards approved by the State Building Code Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in lot size, lot dimensions and building setbacks.

2. Other regulatory incentives or concessions proposed by the developer or the city which result in identifiable cost reductions.

C. "Housing development" as used in this chapter, means one or more groups of projects for residential units constructed in the planned unit development of the city. (Ord. 1009 N.S. § 2 (part), 1991)

18.47.040 Application.

A. The density bonus referred to in Section 18.47.020(A) shall apply to housing developments consisting of five or more dwelling units. Density bonuses referred to under Section 18.47.020(C) may be applied to any residential development proposal.

B. Density bonuses of up to twenty-five percent also may be granted for the inclusion of designated amenities as provided for under Chapter 18.18. (Ord. 1009 N.S. § 2 (part), 1991)

18.47.050 Retaining affordability.

A developer shall agree to and the city shall ensure continued affordability of all lower income density bonus units for thirty years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. If the city does not grant at least one additional concession or incentive, the developer shall agree to and the city shall ensure continued affordability for a minimum of ten years of all lower income housing units receiving a density bonus. (Ord. 1009 N.S. § 2 (part), 1991)

18.47.060 Affordable rents.

Those units targeted for lower income households, as defined in Section 50079.5 of the Health and Safety Code shall be affordable at a rent that does not exceed thirty percent of sixty percent of the Santa Clara County median income. Those units targeted for very low income households, as defined in Section 50105 of the Health and Safety Code shall be affordable at a rent that does not exceed thirty percent of fifty percent of county median income. (Ord. 1009 N.S. § 2 (part), 1991)

Chapter 18.48

COMMERCIAL AND INDUSTRIAL PERFORMANCE STANDARDS

Sections:

- 18.48.010 Purpose of provisions.
- 18.48.020 Specific conditions and substances prohibited.
- 18.48.030 Standards applicable generally.
- 18.48.040 Air pollution.
- 18.48.050 Fire and explosive hazards.
- 18.48.060 Glare.
- 18.48.065 Hazardous wastes.
- 18.48.070 Liquid or solid wastes.
- 18.48.080 Odors.
- 18.48.085 Outdoor sales and display.
- 18.48.087 Motor vehicle repair.
- 18.48.090 Noise.
- 18.48.100 Radioactive or electrical disturbances.
- 18.48.110 Smoke.
- 18.48.120 Traffic in excess of carrying capacity.
- 18.48.130 Vibration.
- 18.48.140 Security provisions applicable.
- 18.48.150 Mini-storage facilities.
- 18.48.160 Trash containers.
- 18.48.170 Locational regulations for adult businesses.
- 18.48.180 Police permits for adult businesses.

18.48.010 Purpose of provisions.

The performance standards established in this chapter apply in all commercial, industrial, theme unit development and planned unit development zoning districts, and are intended to assure that all commercial and industrial operations carried out in the city are conducted in such a manner so as to avoid any nuisance, hazard or commonly recognized offensive condition or characteristic adverse to the public health, safety and general welfare. (Ord. 559 N.S. § A (part), 1981)

18.48.020 Specific conditions and substances prohibited.

No land or building shall be used or occupied in any manner so as to create any:

- A. Dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard;
- B. Noise or vibration, smoke, dust, odor or other form of air pollution;
- C. Heat, cold, dampness, electrical, or other disturbance;
- D. Glare;
- E. Liquid or solid refuse or wastes; or
- F. Other substance, condition or element in such a manner or in such amount as to adversely affect the surrounding area or adjoining premises. (Ord. 559 N.S. § A (part), 1981)

18.48.030 Standards applicable generally.

The following performance standards set out in Sections 18.48.030 through 18.48.130 shall apply to all uses of property in the commercial and industrial zoning districts specified in Section 18.48.010. (Ord. 559 N.S. § A (part), 1981)

18.48.040 Air pollution.

All uses shall conform with standards established by the San Francisco Bay Area Air Quality Maintenance District adopted herein by reference. (Ord. 559 N.S. § A (part), 1981)

18.48.050 Fire and explosive hazards.

All activities involving storage of flammable or explosive materials shall provide adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire-suppression equipment, standard in the industry. Burning of waste materials in open fires is prohibited. (Ord. 559 N.S. § A (part), 1981)

18.48.060 Glare.

No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, shall emanate from any establishment or use so as to be visible at a distance of five hundred feet from such establishment or use. This restriction shall not apply to signs otherwise permitted by the provisions of Chapter 18.76 of this title. (Ord. 559 N.S. § A (part), 1981)

18.48.065. Hazardous wastes.

Hazardous materials reprocessing as defined by Section 18.04.218 herein shall be performed only with a conditional use permit and approval under the Santa Clara County hazardous waste management plan or a city-designated equivalent. (Ord. 1104 N.S. § 1 (Exh. A)(part), 1992)

18.48.070 Liquid or solid wastes.

A. Discharge of Waste Materials into Ground. No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, shall be permitted, except in accord with standards approved by the California Department of Public Health or the Central Coast Water Quality Control Board.

B. Waste Accumulation Aboveground. It is the intent because of the public nuisance created by accumulations of trash enclosures that, whenever such a condition is found to exist on properties subject to the requirements of Section 18.48.160, that compliance with the requirements of that section shall be required. (Ord. 941 N.S. § 6, 1989; Ord. 559 N.S. § A (part), 1981)

18.48.080 Odors.

No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four volumes of clean air at the lot line of the establishment or use. There is

established as a guide in determining such quantities of offensive odors, Table III, Odor Thresholds, in Chapter 5, Air Pollution Abatement Manual, copyrighted in 1951 by Manufacturing Chemists' Association, Inc. (Ord. 559 N.S. § A (part), 1981)

18.48.085 Outdoor sales and display.

Areas used for outdoor sales and display shall meet the minimum design standards applicable to off-street parking facilities with respect to paving, setbacks, grading, drainage, access to public streets, safety and protective features, lighting, landscaping, screening and the sign ordinance (See Chapter 18.76). (Ord. 1055 N.S. § C (part), 1991)

18.48.087 Motor vehicle repair

All minor and major motor vehicle repair operations shall store all inoperative vehicles, machinery, parts, materials or products within a building or within an enclosed area concealed from the public view or view from adjacent properties by an opaque screen material. (Ord. 1135 § 54, 1993)

18.48.090 Noise.

A. At the lot line of all uses specified in Section 18.48.010, the maximum sound generated by any use shall not exceed seventy to seventy-five db(A) when adjacent uses are industrial or wholesale uses. When adjacent to offices, retail or sensitive industries, the sound level shall be limited to sixty-five to seventy db(A). When uses are adjacent or contiguous to residential, park or institutional uses, the maximum sound level shall not exceed sixty db(A).

B. Excluded from these standards are occasional sounds generated by the movement of railroad equipment, temporary construction activities, or warning devices. (Ord. 559 N.S. § A (part), 1981)

18.48.100 Radioactive or electrical disturbances.

No activities shall be permitted which utilize fissionable or radioactive materials, if their use results at any time in the release or emission of any fissionable or radioactive material into the atmosphere, the ground, or sewerage systems; and no activities shall be permitted which emit electrical disturbance affecting the operation of any equipment other than that of the creator of such disturbance. (Ord. 559 N.S. § A (part), 1981)

18.48.110 Smoke.

No emission shall be permitted at any point, from any chimney or otherwise, of visible gray smoke of a shade equal to or darker than No. 2 on the Power's Micro Ringelmann Chart, published by McGraw-Hill Publishing Company, Inc., and copyrighted in 1954, except that visible gray smoke of a shade equal to No. 3 on such chart may be emitted for four minutes in any thirty-minute period. (Ord. 559 N.S. § A (part), 1981)

18.48.120 Traffic in excess of carrying capacity.

No use shall generate vehicular traffic which would cause an adjacent arterial or collector road to exceed a traffic-carrying capacity of Level C without providing appropriate mitigation measures in the form of traffic-control devices, restrictions on hours of operation, or staggered work hours. Traffic-generating potential shall be determined by use of Caltrans trip-generation studies or other information acceptable to the director of public works. (Ord. 559 N.S. § A (part), 1981)

18.48.130 Vibration.

No vibration shall be permitted which is discernible without instruments at the lot line of the establishment or use. (Ord. 559 N.S. § A (part), 1981)

18.48.140 Security provisions applicable.

All provisions of the Commercial Security Ordinance shall be required conditions of commercial and industrial development within the city. (Ord. 559 N.S. § A (part), 1981)

18.48.150 Mini-storage facilities.

All mini-storage development shall have adequate on-site supervision as determined by the staff. All mini-storage development shall provide controlled access through the use of a security gate that is operated by a passcard or punch card system, or by a manager. Caretakers units may be conditionally allowed with the approval of a use permit.

No mini-storage facility shall have an individual storage unit that exceeds six hundred square feet in area. Storage shall be limited to "dead goods" only. No outdoor storage of vehicles or other goods shall be allowed. The servicing of equipment or vehicles and the operating of power tools shall be prohibited. The use of a mini-storage facility for flea markets, auctions or sales of any type, commercial storage, or transfer business shall be prohibited. (Ord. 1055 N.S. § C (part), 1991; Ord. 839 N.S. § 3, 1987)

18.48.160 Trash containers.

A. Trash receptacles and enclosures as described in Section 18.74.505 shall be required upon a finding by the community development director that properties subject to these requirements require additional receptacles and enclosures.

B. Where additional trash receptacles and enclosures cannot be provided due to limited on-site parking or landscaping area, the property owner shall be required to increase the frequency of trash collection. (Ord. 1111 N.S. § 26, 1992; Ord. 941 N.S. § 4, 1989)

18.48.170 Locational regulations for adult businesses.

No person shall cause or permit the establishment or continuation of an "adult business" within five hundred feet, as measured in the shortest linear distance on a city zoning map, of a "sensitive use" or "sensitive area" as defined by this title, and from any

other "adult business". The establishment of a "sensitive area" or "sensitive use" within five hundred feet of an "adult business" after the lawful establishment of such "adult business" under this chapter shall not, by itself, create a requirement for such "adult business" to relocate more than five hundred feet from such "sensitive area" or "sensitive use. (Ord. 1150 N.S., § III E, 1993)

18.48.180 Police permits for adult businesses.

No person shall cause or permit the establishment or continuation of an "adult business" unless such "adult business" shall first receive and maintain in good standing a "police permit" pursuant to Section 5.60.010 et seq. of the Municipal Code. Where a "police permit" has been denied or revoked by the city, either initially or after appeal to the city council, such "adult business" shall cease and desist operations within forty-eight hours of such final city action. (Ord. 1150 N.S. § III F, 1993)

CHAPTER 18.49

RECREATIONAL VEHICLE PARKS

18.49.010	Purpose.
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18.49.030	Conditional use permit.
18.49.040	Space occupancy.
18.49.050	Park size.
18.49.060	Minimum space size.
18.49.070	Minimum roadway size.
18.49.080	Setbacks.
18.49.090	Permanent buildings.
18.49.100	Amenities.
18.49.110	Landscaping.
18.49.120	Sewer.
18.49.130	Water.
18.49.140	Pets.
18.49.150	Perimeter screening.
18.49.160	Accessory buildings and awnings.
18.49.170	Signs.
18.49.180	Fees.

18.49.010 Purpose.

The purpose of this section is to permit parks for occupancy by travel trailers and recreational vehicles which will be compatible with adjacent land uses, provide a suitable environment for travelers and other occupants of the parks and conform to state law. The city council of the city of Morgan Hill specifically finds that:

A. This purpose statement is met by a suitable mix of transient spaces serving visitors staying less than thirty days with other spaces serving visitors staying longer than thirty days, because of the balance of land uses, transportation corridors and public facilities provided by the General Plan. Long-term or permanent residents at such parks shall only occupy spaces for which a residential allocation under Section 18.78.020 et seq., the residential development control system, has been allocated and for which the other standards of the municipal code are met.

B. Because of the rural residential nature and environment of the city of Morgan Hill, parks should have a lower density and more open space and amenities than similar parks in more urban areas of Santa Clara County would include. (Ord. 1100 N.S. § 1 (part), 1992)

18.49.020 Tag of certification.

Each travel trailer or recreational vehicle or coach which stays for more than thirty continuous days in any city park shall have a tag of certification, either from the California Department of Housing and Community Development under Section 4032, Title 25, Division 1, Chapter 3 of the California Code of Regulations ("state insignia"), or an equivalent tag of certification from another State or Canadian province, or a tag of certification from the Recreational Vehicle Industry Association (RVIA) or a tag of certification from a third party certification company recognized by the city as being substantially equivalent. The director of community development of the city shall have final authority to determine whether a particular vehicle has a tag of certification. (Ord. 1100 N.S. § 1 (part), 1992)

18.49.030 Conditional use permit.

A. Prior to applying for a building permit for construction of a park, a property owner shall apply for and receive a conditional use permit as defined in Section 18.54.010 et seq. The conditional use permit may include design requirements and other conditions of approval. A park may only be approved in a zone which permits such park by conditional use permit under this chapter. Approval of the design by the community development department is also required.

B. Under Section 18.04.381 of the municipal code, stays of longer than ninety days per calendar year are prohibited. However, in the event that adjudication or interpretation of Section 18300.5 of the California Health and Safety Code or other state law requires the city to consider longer stays, such longer stays ("long term spaces") shall be allowed only by conditional use permit and upon an allocation of residential development approval as provided in Sections 18.49.040 and 18.78.020 of this code. Such long term spaces must meet the minimum standards, including lot area and dimensions, prescribed by Sections 18.49.060 and 18.49.100(D) and other sections of this chapter. (Ord. 1100 N.S. § 1 (part), 1992)

18.49.040 Space occupancy.

In conformity with Section 2202, Title 25, Article 3 of the California Code of Regulations, a travel trailer or recreational vehicle park shall accommodate only travel trailers and recreational vehicles. Occupancy of a space is limited to one recreational vehicle and one motor vehicle. No permanent buildings shall be constructed on such spaces.

A. For a space which may be occupied by one resident or family or vehicle for over ninety days in any calendar year, that space shall be counted as a residence for purposes of Section 18.78.020 et seq., the residential development control system. No conditional use permit shall be approved for such space or spaces until an allocation of residential units equal to the number of such long term spaces is granted by the city under Section 18.78.125. No such long-term spaces shall be established in any park after issuance of a conditional use permit under this section unless a new conditional use permit is first approved by the city, regulating the use and number of long-term spaces.

B. Occupancy in any park of one space or more than one space which has been designated by Conditional Use Permit as a short-term space or spaces shall not be in excess of thirty consecutive days or ninety total days in any calendar year by a single resident or family in any recreational vehicle. Occupancy in conflict with this Section, shall constitute grounds for rescission of the conditional use permit to occupy the park and, separately, shall be a violation enforceable under Sections 18.68.020 and 18.68.030 of the municipal code.

1. The city council specifically makes the finding, pursuant to Section 18300.5.a of the California Health and Safety Code, that any space, set of spaces or park limited by conditional use permit to short-term occupancy of thirty days or less at one time is needed to serve the transient visitors to Morgan Hill, pursuant to Section 18300 et seq. of the Health and Safety Code, and that conversion of such space, set of spaces or park to longer term occupancy may only occur after approval of an amendment to an approved conditional use permit.

2. The city council further specifically makes the finding, pursuant to Section 18300.5.a of the California Health and Safety Code, that the need to prohibit long-term occupancy of spaces in any park beyond the ninety-day limit in any calendar year is "based on, but not limited to, the lack of overnight or tourist spaces in those special occupancy parks in the city". This restriction is not limited to that finding, but rather is also based upon a finding of the inherent and substantial harm done to the community by establishment of substandard housing at high density in motor vehicles or small trailers, for which no schools or parks have been planned, which does not meet general plan, zoning ordinance or mobile home park standards for such housing, and which

could be a nuisance and threat to public health, safety and welfare unless specifically permitted by a discretionary conditional use permit and residential allocation under Section 18.78.010 et seq. of this chapter, and by providing where applicable in mixed-use parks, partial exemptions as set forth in Section 18.300.5 of the California Health and Safety Code or by imposing conditions pursuant to subsection (c) of that section, together with the standards set forth in this code for such parks, which may mitigate the nuisances and threats from such a project. (Ord. 1100 N.S. § 1 (part), 1992)

18.49.050 Park size.

A park under this Section shall consist of at least a net area of five acres and no more than twenty acres in size. Such park shall have at least one hundred feet of frontage upon a city street or highway for access. At least two thousand gross square feet of area, including common areas and roadways, shall be provided per recreational vehicle space in the park. (Ord. 1100 N.S. § 1 (part), 1992)

18.49.060 Minimum space size.

A space in a park shall be at least one thousand square feet in size with a minimum frontage on an internal park road of twenty feet and a minimum depth of forty feet. For any space for which long-term occupancy, beyond ninety calendar days per year, is granted by conditional use permit the dimensions of such a space must be double the dimensions previously mentioned, or at least twenty-five percent of the dimensions of the minimum lot size of the zoning district, whichever is greater. (Ord. 1100 N.S. § 1 (part), 1992)

18.49.070 Minimum roadway size.

An internal roadway in a park shall be at least twenty-eight feet in clear width. An entry roadway shall be at least thirty-two feet in clear width or sixteen feet for one-way traffic originating and terminating in a two-way roadway. Such roadway shall be paved to a thickness and material to meet City standards. (Ord. 1100 N.S. § 1 (part), 1992)

18.49.080 Setbacks.

Each park and each vehicle parked in a space, including all awnings and appurtenant structures and tents, shall meet as a minimum the setbacks of the zoning district in which it is located with regard to exterior boundaries of the park. Setbacks within the park shall be at least ten feet between parked vehicles, including any awnings, tents or substructures, and any other parked vehicles, other than other vehicles parked in the same space; and buildings or roadways. The main entrance of a park shall have an additional ten feet of landscaped setback above the minimum front setback of the zoning district. (Ord. 1100 N.S. § 1 (part), 1992)

18.49.090 Permanent buildings.

A park may contain one or more permanent buildings solely to serve residents of the park. Such buildings shall meet the setbacks and other requirements of the zoning district and special setbacks of the conditional use permit and this chapter. In no event shall permanent buildings cover over fifteen percent of a park. Such buildings shall be used only for the following purposes:

- A. Park administration and office;
- B. Recreational amenities and meeting areas;
- C. Sales of packaged food, sundries and other convenience items customarily sold by convenience stores;
- D. Storage of park equipment, excluding commercial storage for nonresidents of the park;
- E. Other subordinate uses as described in the conditional use permit which are necessary and customary in order to operate such a park. (Ord. 1100 N.S. § 1 (part), 1992)

18.49.100 Amenities.

A recreational vehicle park shall provide amenities in proportion to the area of the park, as described below:

- A. Restroom Buildings Including Separate Toilets for Men and Women, with Showers. One for the first fifty spaces, then an additional building for the next one hundred, fifty spaces, then one for each additional one hundred spaces;

B. Solid Waste Stations. In addition to connecting each space to sewer, one solid waste station shall be provided for each two hundred spaces or fraction thereof;

C. Recreation Centers with Swimming Pools, Picnic Facilities and Other Play Areas. One for each two hundred spaces or fraction thereof. The first recreation center would contain a swimming pool. Other play areas may include an athletic field, picnic shelter, horseshoe pits, volleyball court, shuffleboard court, tennis court, additional swimming pools or similar facilities;

D. For each space in a park for which a conditional use permit allows a stay of over ninety days per year, additional amenities will be required, including at least two thousand square feet of additional common open space landscaped and improved for playground use and in a sufficiently large area to accommodate ball field activities. (Ord. 1100 N.S. § 1 (part), 1992)

18.49.110 Landscaping.

All required front setbacks and other entrances shall be landscaped to City standards and requirements.

a. At least ten percent of any vehicle space and at least twenty percent of the park as a whole shall be landscaped to city standards. The required amenities listed in Section 18.49.100, including recreational buildings and pools, may be counted within this landscaping requirement. Each park shall have at least one area at least fifty by one hundred feet in dimensions as a unified landscaped area visible from inside the park.

b. At least one evergreen tree shall be planted and maintained on each vehicle space. Each vehicle space shall have at least two hundred square feet of landscaping to city standards. No more than seventy percent of the space shall be nonpermeable (paved) area. (Ord. 1100 N.S. § 1 (part), 1992)

18.49.120 Sewer

Each vehicle space shall be connected to a sewer lateral meeting city standards which is connected to the master sewer system of the park. Such master sewer system in a park shall be connected to the city sewer system. No septic tank connections will be permitted for any vehicle space or park. (Ord. 1100 N.S. § 1 (part), 1992)

18.49.130 Water.

Each vehicle space shall be connected to a water lateral meeting city standards which is connected to the master water system of the park, providing potable, safe and sanitary water. Such master water system in a park shall be connected to the city water system. (Ord. 1100 N.S. § 1 (part), 1992)

18.49.140 Pets.

Each vehicle space shall be treated as a residence for purposes of city regulations regarding the number of pets, leash laws and related pet regulations. (Ord. 1100 N.S. § 1 (part), 1992)

18.49.150 Perimeter screening.

Each park shall have a perimeter fence or wall built to city standards at least six feet high, except that at front entries of a park, the landscaped setback area need not have a fence or wall if individual recreational vehicle spaces are not visible through such setback area from an adjacent public roadway. (Ord. 1100 N.S. § 1 (part), 1992)

18.49.160 Accessory buildings and awnings.

Any recreational vehicle or travel trailer in a park may have accessory buildings and awnings as listed in this section, with the permission of the park management, as long as park setbacks are met and the conditions of the conditional use permit are met and any requirement for a building permit from the city has been fulfilled:

A. Accessory Buildings. One factory-enamel-coated metal shed per vehicle space, not to exceed fifty square feet in area which is portable and not permanently affixed to the ground. Permitted use of such shed may include storage of the personal effects of the occupant or shelter for a pet;

B. Awnings. One canvas, fiberglass or factory-enamel-coated metal awning per vehicle space, which may be freestanding or attached to the vehicle, which does not exceed in height, length or width of the height, length or width of the vehicle to which it is adjacent and which is portable and not permanently affixed to the ground;

C. All accessory buildings and awnings on vehicle spaces shall be the properties of the occupants of the space and shall not remain on the space after the occupants have vacated the space; nor shall the park owner own or maintain such accessory buildings or awnings on spaces. (Ord. 1100 N.S. § 1 (part), 1992)

18.49.170 Signs.

A park may have identification, directory and directional signs as permitted by Section 18.76.010 et seq. for uses in the zoning district and land use type in which the park is approved, subject to the conditional use permit for the park. (Ord. 1100 N.S. § 1 (part), 1992)

18.49.180 Fees.

The owners of a park which is established pursuant to a conditional use permit shall pay any fees prescribed by Ordinance or operation of law. The owners of a park in which stays of ninety days or longer in a calendar year are permitted ("long term spaces") shall also pay school fees, park fees and other fees which are charged by ordinance for residences. (Ord. 1100 N.S. § 1 (part), 1992)

Chapter 18.50

OFF-STREET PARKING AND PAVING STANDARDS

Sections:

- 18.50.010 Application of chapter provisions.
- 18.50.020 Number of spaces--Schedule.
- 18.50.025 Parking in CC-R, central commercial-residential zone
- 18.50.030 Off-street parking and loading generally.
- 18.50.040 Requirements for uses not specified.
- 18.50.050 Number of spaces--Formula.
- 18.50.060 Number of spaces--Increase in building capacity.
- 18.50.070 Number of spaces--Manufacturing, warehouse uses.
- 18.50.090 Location--Office and commercial spaces.
- 18.50.100 Consolidated parking areas for several uses.
- 18.50.110 Disabled persons and veterans spaces--Marking.
- 18.50.120 Disabled persons and veterans spaces--Removal of unauthorized vehicles.
- 18.50.130 In-lieu payments for spaces.
- 18.50.140 Spaces for dwellings.
- 18.50.150 Off-street loading.
- 18.50.160 Design and construction--City standards.
- 18.50.170 Lot and aisle design.
- 18.50.180 Lot utilities and landscaping.
- 18.50.190 Spaces--Dimensions.
- 18.50.200 Tandem parking spaces.
- 18.50.210 Spaces requiring backing out.
- 18.50.220 Location, access and signing.
- 18.50.230 Access to spaces.
- 18.50.240 Garage and carport setbacks.
- 18.50.250 Stack-up area for incoming traffic.
- 18.50.260 Landscaping and screening.
- 18.50.270 Curb required when.
- 18.50.280 Walls or barriers required when.
- 18.50.290 Grading, surfacing, marking and lighting.
- 18.50.300 Surfacing--Specifications generally.
- 18.50.310 Surfacing--Industrial uses.
- 18.50.320 Surfacing--Permit required.
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- 18.50.340 Lighting--Open lots.
- 18.50.350 Lighting--Multiple-family dwellings.
- 18.50.360 Using spaces to store goods or vehicles prohibited.
- 18.50.370 Drive-thru lanes and exiting requirements.
- 18.50.380 Location of guest, camper, boat and trailer parking.

18.50.010 Application of chapter provisions.

The provisions of this chapter shall apply within all zoning districts and to all uses and structures within the city. At the time of the erection of any building and/or structure listed in Division I of this title, or at the time any such building and/or structure requires more parking spaces, there shall be provided for such new construction or intensified use, enlargement or increased capacity and use of land, the minimum off-street parking spaces, as described in this chapter, with adequate provisions for safe ingress and egress, and such parking spaces shall thereafter be maintained in connection with such building and/or structure and use of land. (Ord. 559 N.S. § A (part), 1981)

18.50.020 Number of spaces--Schedule.

Any person maintaining the following uses shall provide the indicated parking spaces:

Use	Parking Spaces Required
Ambulance service	1 space for each emergency vehicle
Animal hospital and kennel	1 space for each 500 square feet of gross floor area
Auditorium, assembly hall, community center, church, club or lodge	1 space for each 5 permanently located seats, or 1 space for each 35 square feet of floor area in the assembly room or rooms, plus 1 space for each 250 square feet of other space

Automobile and boat sales and automobile carwashes	5 spaces for the first 10,000 square feet of lot area and 1 space for each 3,000 square feet thereafter (parking spaces for merchandise not included)
Automobile service stations and automotive repair	1 stall for each 200 square feet of gross floor area
Banks, savings and loan and stock brokerage offices	1 space for each 250 square feet of gross floor area
Bowling alley	7 spaces for each alley, plus 1 space for each shift employee
Colleges; art, crafts, music and dancing schools, and for business, professional and trade schools	1 space for each 2 employees, including teachers and administrators, plus 1 space for each 4 students, plus adequate space for visitor parking
Commercial uses, not otherwise provided for in this section	1 space for each 250 square feet of gross floor area
Dancehall	1 space for each 10 seats, or 1 space for each 100 square feet of dance floor area, whichever is greater
Drive-in or drive-thru restaurants	10 spaces, plus 1 space for each 200 square feet of gross floor area
Dwellings, single-family (including mobile homes)	Minimum of 2 covered parking spaces per dwelling unit. A driveway apron shall be provided in front of the covered parking spaces which shall measure a

minimum 20 feet in width and 20 feet in depth. Where parking is located perpendicular to the street, a minimum 20 foot depth shall be as measured from the edge of right-of-way.

Guest Parking. In addition to the required covered spaces and driveway aprons guest parking spaces shall be provided at a ratio of 1 parking space for each 4 dwelling units. Guest parking spaces may be located on street or conveniently located at off-street mid-block locations and in close proximity to recreational amenities. In no case shall guest spaces be located more than 150 feet from the residential dwellings they are intended to serve.

Mixed-use Development. Combined commercial and residential projects contained in one structure or lot in the CC-R zone is exempt from providing the required covered parking for residential development.

Dwellings, single-family,
senior citizen dwellings

50 percent of the dwelling units within a project shall be a minimum of 2 covered parking spaces per dwelling unit. A driveway apron shall be provided in front of the covered parking spaces which shall measure a minimum 20 feet in width and 20 feet in depth. The remaining 50 percent of the dwelling units within a project shall be a minimum of 1 covered parking space per dwelling unit. A driveway apron shall be provided in front of the covered parking spaces which shall measure a minimum 10 feet in width and 20 feet in depth.

Where parking is located perpendicular to the street, a minimum 20 foot depth shall be as measured from the edge of the right-of-way.

Guest Parking. In addition to the required covered spaces, and driveway aprons, guest parking spaces shall be provided at a ratio of 1 parking space for each 4 dwelling units. Guest parking spaces may be located on street or conveniently located at off-street mid-block locations and in close proximity to recreational amenities. In no case shall guest spaces be located more than 150 feet from the residential dwellings they are intended to serve.

Mixed-use Development. Combined commercial and residential projects contained in one structure or lot in the CC-R zone is exempt from providing the required covered parking for residential development.

Dwellings, Multifamily
dwellings:

Studio or one-bedroom:	1.5 spaces per unit*
Two bedroom:	2 spaces per unit*
Three bedroom:	2.5 spaces per unit*

* 1 of the required spaces per unit shall be covered by garage or carport

Guest Parking. Guest parking is required for multiple-family projects consisting of 3 units or more. Guest parking shall be provided at a ratio of 1 space for each 3 units. Guest parking spaces shall be conveniently located in close proximity to recreational amenities. In no case shall guest spaces be located more than 150 feet from the residential dwellings they are to serve.

Mixed-use Development. Combined commercial and residential, contained in one structure or lot in the CC-R zone are exempt from providing the covered parking required for residential development.

Multifamily senior
citizen dwellings

1 covered space per unit

Guests. 1 space per each 5 units. Guest parking spaces shall be conveniently located in close proximity to recreational amenities. In no case shall guest spaces be located more than 150 feet from the residential dwellings they are intended to serve.

Food service, take-out

1 space for each 100 square feet of gross floor area for establishments with more than 12 seats. 1 space for 250 square feet of floor area with 12 seats or less

Group quarters for the
elderly, retirement inns

0.6 spaces for each bedroom within the facility*

* Alteration in the required number of spaces under the aforementioned standard may be approved by the community development director based on a parking needs

analysis which shall consider such factors as the proximity of the facility to public transportation, resident profile, number of residents expected to keep vehicles on site, and provisions of private transportation services for residents.

Hospitals, rest homes and nursing homes	1 space for each 2 beds
Hotels and motels	1 space for each room which opens to a public way or corridor, yard or court, plus 1 additional space for each 10 rooms
Manufacturing, processing and research	1 space for each 500 square feet of gross floor area
Market, food, beverage sales	1 space for each 250 square feet of gross floor area
Medical and dental offices and clinics, chiropractors, optometrists, healing arts practitioners	1 space for each 250 square feet of gross floor area, or 5 spaces per doctor/dentist, whichever is greater
Mini-storage	4 spaces, plus 1 for each 100 storage units shall be located outside the security gate. 2 additional spaces for the manager's unit, 1 of which shall be in a carport or garage shall be provided
The minimum distance between storage buildings shall be 26'. Perimeter drive aisles shall be a minimum 35' in width	
Mini-warehousing and distributing centers	As determined by site plan approval, but no less than 1 space for each 1,000 square feet of gross floor area
Mortuary	1 space for each 4 permanently located seats or 1 for each 45 square feet of floor area in the assembly room or rooms, as determined by the community development director

Nursery school	1 space for each 300 square feet of gross floor area
Office building, professional offices	1 space for each 250 square feet of gross floor area
Open-air sales (motorcycle sales, etc.)	1 space for each 1,000 square feet of site area
Outdoor nurseries	1 space for each 1,000 square feet of site area for the first 10,000 square feet, then 1 space for each 5,000 square feet thereafter, plus 1 space for each 250 square feet of gross floor area. In any event, no such site shall have less than 7 spaces plus 1 space per vehicle to be parked on the site overnight
Restaurant, cafe, drive-in/through, nightclub, bar, cocktail lounge	1 space for each 100 square feet of gross floor area
Retail, extensive	1 space per 350 square feet
Warehousing and wholesale business establishments	1 space for each 1,000 square feet of gross floor area plus 1 space for each 300 square feet of office area (Ord. 1135 §§ 55 & 56, 1993; Ord. 1050 § 1 (part), 1991; Ord. 1025 § 5, 1991; Ord. 980 § 3 (part), 1990; Ord. 899 § 13, 1989; Ord. 839 § 4, 1987; Ord. 736 § A, 1985; Ord. 628 § A, 1983; Ord. 621 § A, 1983; Ord. 559 § A (part), 1981)

18.50.025 Parking in CC-R, central commercial residential zone

For lots of record in the CC-R, central commercial-residential zoning district on Monterey Highway, there shall be no requirement for provision of additional on-site parking for properties involving any of the following:

A. Establishing or intensification of commercial uses in structures which existed prior to August 1, 1992;

B. Permitted reconstruction of structures with the same or smaller building floor areas;

C. Lots of 8,000 or fewer square feet which were vacant on August 1, 1992.

For parcels in the central commercial-residential zoning district which do not meet these requirements, the parking standards of Section 18.50.020 shall be required unless otherwise provided by this title. (Ord. 1099 N.S. § 1, 1992)

18.50.030 Off-street parking and loading generally.

The following general provisions set out in Sections 18.50.040 through 18.50.140, 18.50.170, 18.50.200 through 18.50.230, 18.50.250, 18.50.270 through 18.50.290, 18.50.360 and Exhibits "A" and "B" shall apply to all off-street parking and loading of all uses and structures within the city. (Ord. 1055 N.S. § C (part), 1991; Ord. 559 N.S. § A (part), 1981)

18.50.040 Requirements for uses not specified.

Where the parking requirements for a use are not specifically defined, the parking requirements shall be determined by the community development director, and such determination shall be based upon the requirement for the most comparable use specified herein. (Ord. 559 N.S. § A (part), 1981)

18.50.050 Number of spaces—Formula.

When in the process of determining the number of required off-street parking and loading spaces in accordance with the provisions of this chapter, there occurs a fraction of a space, any fraction less than .5 shall be dropped, but any fraction of .5 or greater shall be deemed a requirement for one additional space. (Ord. 559 N.S. § A (part), 1981)

18.50.060 Number of spaces—Increase in building capacity.

Whenever any building or structure is enlarged or increased in capacity by adding floor area, seats or other measurable units thereto, or at such time as a different usage is applied thereto, which usage required more parking spaces as required, then, and at that

time, the parking requirement shall be determined, and such new and additional parking and loading requirements shall apply thereto. (Ord. 559 N.S. § A (part), 1981)

18.50.070 Number of spaces—Manufacturing, warehouse uses.

Manufacturing and warehouse uses shall qualify for the parking standard of one space for every five hundred square feet of gross floor area, provided that at least ninety percent of the total floor area of the building is devoted to such uses. Where ten percent or more of the floor area is devoted to office use, as depicted on floor plans, a proportionate share of the total floor area will require the office parking standard of one parking space for every two hundred fifty square feet of floor area. (Ord. 559 N.S. § A (part), 1981)

18.50.090 Location—Office and commercial spaces.

All off-street parking spaces for all office and commercial uses shall be located upon the same zoning lot as the use for which such parking is provided, or, if approved by the community development director, within three hundred feet from the boundary thereof. (Ord. 559 N.S. § A (part), 1981)

18.50.100 Consolidated parking areas for several uses.

The consolidation of the required parking area for several uses into one central parking area located within the same block or within three hundred feet of any use may be substituted for individual parking areas, in which case the number of parking spaces required shall be the sum total of the individual requirements; provided, that where it is found by the community development director that the parking demand generated by the different uses required herein occurs at distinctly different times, the community development director may reduce the total number of parking stalls to be jointly provided by consolidation. (Ord. 559 N.S. § A (part), 1981)

18.50.110 Disabled persons and veterans spaces—Marking.

Designated parking spaces for the exclusive use of vehicles which display a distinguishing license plate or placard issued pursuant to Section 22511.5 of the Motor

Vehicle code, or to disabled veterans, shall be provided for each off-street parking facility. All parking for handicapped spaces shall be provided in accordance with Chapter 17 of the California State Government Code, as amended. Location and number of handicapped stalls shall be determined by use of the building and approved by the community development director. (Ord. 1055 N.S. § C (part), 1991; Ord. 559 N.S. § A (part), 1981)

18.50.120 Disabled persons and veterans spaces—Removal of unauthorized vehicles.

A. Any person in lawful possession of an off-street parking facility shall designate stalls or spaces for the exclusive use of vehicles which display a distinguishing license plate or a placard issued pursuant to Section 22511.5 of the Motor Vehicle Code, or to disabled veterans. Such designation shall be made by posting immediately adjacent to, and visible from, each stall or space, a sign consisting of profile view of a wheelchair with occupant in white on a blue background.

B. The owner or person in lawful possession of an off-street parking facility, after notifying the police department and the local authority owning or operating an off-street parking facility, may cause the removal, from a stall or space designated for physically handicapped persons in such facility, to the nearest public garage, of any vehicle not displaying one of the distinguishing placards or license plates specified in this chapter if there is posted immediately adjacent to and visible from such stall or space, or, if there is posted in a conspicuous place at each entrance to the off-street parking facility, not less than seventeen by twenty-two inches in size, with lettering not less than one inch in height, a sign, which clearly and conspicuously states the following: "Unauthorized vehicles not displaying distinguishing placards or license plates issued for physically handicapped persons will be towed away at owner's expense." (Ord. 559 N.S. § A (part), 1981)

18.50.130 In-lieu payments for spaces.

In the central commercial residential zones, in lieu of furnishing the parking spaces required by the provisions of this chapter, the requirements thereof may be satisfied by in-lieu payments, if approved by the planning commission, under the following conditions:

A. That the city council adopts a resolution of policy setting out the value of off-street parking spaces, based on acquisition and construction costs of a surfaced

parking lot; such costs and value may be amended from time to time at the discretion of the council;

B. That the city council authorizes the issuance of "in-lieu certificates," with each such certificate to represent the cost of one off-street parking space. A maximum of twenty stalls will be allowed to be purchased in lieu of parking spaces;

C. That the city council sets up a special fund or revenues from such certificates, such revenues to be used to establish public off-street parking;

D. That an applicant for payment of in-lieu costs, instead of establishing parking, purchases one certificate for each space of off-street parking normally required by the terms of this chapter, such certificates to be purchased in conjunction with the issuance of a building permit. Such certificates may be paid in installments not to exceed three years, provided the applicant enters into an agreement and furnishes security satisfactory to the office of the city attorney;

E. That the applicant, for relief from the parking requirements, proves to the satisfaction of the planning commission that a hardship occurs due to the size, shape, location or topography of the property involved. (Ord. 559 N.S. § A (part), 1981)

18.50.140 . Spaces for dwellings.

For single-family, two-family and multiple-family dwellings, the parking spaces required herein shall be provided on the same site as the main building. (Ord. 559 N.S. § A (part), 1981)

18.50.150 Off-street loading.

A. No building, or part thereof, having a floor area of ten thousand square feet or more, which is to be occupied by a goods display, retail store, wholesale store, markets, hotels, hospital, mortuary, laundry, dry-cleaning establishment, or other uses similarly requiring the receipt or distribution by vehicles or trucks of material or merchandise shall be constructed without an off-street loading zone.

B. All multiple-family dwellings containing thirty or more rental units shall provide one off-street loading space having a minimum width of twelve feet and a minimum length of thirty-five feet exclusive of necessary ingress and egress.

C. All nonresidential structures containing less than twenty-five thousand square feet of gross floor area shall provide one off-street loading space. Each such

space shall be at least twelve feet wide, forty feet long and fourteen feet high, exclusive of necessary area for maneuvering, ingress and egress.

D. All nonresidential structures containing twenty-five thousand or more square feet of gross floor area shall have the number of off-street loading spaces specified in the table below. Each such space shall be at least twelve feet wide, forty feet long and fourteen feet high, exclusive of necessary area for maneuvering, ingress and egress.

Square Feet in Gross Floor Area	Number of Spaces
25,000 up to and including 25,000	1
25,001 up to and including 100,000	2
100,001 up to and including 200,000	3
200,001 up to and including 300,000	4
For each additional 100,000, or major fraction thereof, over 100,000 square feet	1 additional space.

(Ord. 899 N.S. §§ 2 (part), 16, 1989; Ord. 559 N.S. § A (part), 1981)

18.50.160 Design and construction—City standards.

Except as otherwise provided, all parking and loading areas shall be designed and constructed in conformance with the city standards, which are included as part of the ordinance codified in Division I of this title. All site plans for public parking and loading areas shall be approved by the community development department for compliance with city standards. (Ord. 559 N.S. § A (part), 1981)

18.50.170 Lot and aisle design.

All parking lots shall be designed with angled parking stalls and one-way traffic aisles, where practical. (Ord. 559 N.S. § A (part), 1981)

18.50.180 Lot utilities and landscaping.

A. All utilities serving parking lot areas shall be placed underground, with the exception of electric transformers, which may be mounted on surface pads.

B. Landscaping shall be provided in at least ten percent of the gross area of parking lots. Insofar as possible, this should be in borders and standard traffic islands. (Ord. 559 N.S. § A (part), 1981)

18.50.190 Spaces—Dimensions.

The minimum size of parking spaces shall be nine feet wide and eighteen feet long when measured at right angles to the axis of the vehicle occupying the same. All parking spaces within a structure shall be a minimum of ten feet in width and eighteen feet in length. For each parking area there shall be reserved an access aisle twenty-five feet minimum length and ten feet minimum width, which is kept free and clear of obstructions of every kind at all times. (Ord. 1055 N.S. § C (part), 1991: Ord. 899 N.S. § 15 (part), 1989: Ord. 559 N.S. § A (part), 1981)

18.50.200 Tandem parking spaces.

Tandem parking spaces will not be acceptable as required spaces for residential uses. A "tandem parking space" is a parking space so located that it is necessary to move one or more other vehicles in order to allow the vehicle occupying the tandem space to gain access to or from such space. (Ord. 559 N.S. § A (part), 1981)

18.50.210 Spaces requiring backing out.

Automobile parking so arranged as to require the backing out of motor vehicles from a parking space, garage or other structure, onto a street, shall be prohibited when either or both of the following conditions exist:

A. The property is adjacent and contiguous to a public alley;

B. The width of the lot, or the nature of the design of the existing or proposed structures, is such that vehicles leaving the property may do so by moving in a forward direction with relation to the street. (Ord. 559 N.S. § A (part), 1981)

18.50.220 Location, access and signing.

Parking areas for any use shall be placed in such location with relation to the parking generator as to provide for the efficient use of the parking facility. On-site parking areas shall have ready vehicular access. The location of off-site parking areas shall be noted by an appropriate sign located both at the parking generator and at the parking facility.

Minimum driveway spacing from street intersections shall be as follows:

	Residential	Commercial	Industrial
* Minimum spacing from street corner	10'	25'	30'

* As measured from corner radius or 30 feet, whichever is greater. The corner radius shall be the arc length measured between the linear distance of the adjoining street.

(Ord. 899 N.S. § 16, 1989; Ord. 559 N.S. § A (part), 1981)

18.50.230 Access to spaces.

All access to individual parking spaces on a lot designated for parking shall be from the lot. Minimum driveway entrance width at the street right-of-way shall be thirty-five feet for two-way driveway, except where driveway length is less than one hundred fifty feet or where emergency vehicle access is not required. (Ord. 899 N.S. § 14, 1989; Ord. 559 N.S. § A (part), 1981)

18.50.240 Garage and carport setbacks.

In no case shall the entrance of a garage or carport constructed for residential use be closer than twenty feet to any public right-of-way. Residential driveways shall be a minimum of twelve feet in width one-way and eighteen feet in two-way driveways. All others shall be twelve feet for one-way and twenty-five feet for two-way driveways. (Ord. 1055 N.S. § C (part), 1991; Ord. 559 N.S. § A (part), 1981)

18.50.250 Stack-up area for incoming traffic.

All parking lot areas shall provide a stacking area equal to the distance of two incoming vehicles (minimum forty feet) from the travel lane of the adjoining street. (Ord. 899 N.S. § 9 (part), 1989; Ord. 559 N.S. § A (part), 1981)

18.50.260 Landscaping and screening.

In all districts, excluding the detached single-family dwelling districts, all open parking areas shall be landscaped except those areas specifically used for vehicle maneuvering and parking. Landscaping shall include trees, shrubbery and ground cover or other approved hardscape materials as prescribed in Section 18.74.550 of this title. Such landscape areas shall be provided with automatic sprinkler systems. Landscaping plans for commercial parking areas shall be approved by the community development director. (Ord. 899 N.S. § 5, 1989; Ord. 559 N.S. § A (part), 1981)

18.50.270 Curb required when.

A six-inch full-formed concrete curb shall separate all paved and landscaped areas in all condominium, planned development, multifamily, commercial and industrial projects. (Ord. 899 N.S. § 9 (part), 1989; Ord. 559 N.S. § A (part), 1981)

18.50.280 Walls or barriers required when.

Where such area adjoins a residential or agricultural district, it shall be separated therefrom by a solid masonry wall not less than five feet nor more than six feet in height, provided the wall shall not exceed three feet in height where it abuts the front yard area of an abutting residential district. Where no wall is required along a boundary of an area covered by this section, there shall be a concrete curb not less than six inches in height securely installed and maintained as a safeguard to abutting property or public right-of-way. The barrier shall be not less than three feet from any property line on the subject property. (Ord. 559 N.S. § A (part), 1981)

18.50.290 Grading, surfacing, marking and lighting.

All areas shall be graded, surfaced, drained, lighted, and parking stalls, lanes and directional guides shall be marked. (Ord. 559 N.S. § A (part), 1981)

18.50.300 Surfacing—Specifications generally.

A. All parking spaces provided for any residential (except single-family dwelling), commercial or industrial uses shall be designed in accordance with the State Department of Transportation procedure, using a minimum traffic index of 4.5 and a minimum asphalt thickness of 2.5 inches which can be placed in one lift. If a pavement design is not provided, then the minimum pavement section shall be 2.5 inches of asphalt concrete over six inches of Class 2 aggregate base rock. Oil and screening shall not be used. Each parking space shall be marked specifically by painting, raised dividers, or otherwise clearly designated.

B. When parking lots or access driveways are to be used by vehicles heavier than automobiles, light trucks or vans, the developer shall submit design data for the surfacing structural section.

C. The use of additional materials, i.e., cobblestones, bricks, etc., can be made when approved by the community development director.

D. All parking and loading facilities shall be graded to a minimum one and one-half percent slope and provided with permanent storm drainage facilities. Surfacing, curbing, and drainage improvements shall be sufficient to preclude free flow of water onto adjacent properties or public streets or alleys, and to preclude standing pools of water within the parking facility. (Ord. 899 N.S. § 33, 1989; Ord. 559 N.S. § A (part), 1981)

18.50.310 Surfacing—Industrial uses.

In M-L, M-H, industrial park zones or PUD industrial zones, the planning commission may permit the use of oil and screening over a minimum of six inches of Class 2 aggregate base rock or approved base if it is shown that a limited amount of traffic will be generated on the land on that portion of the paving in excess of minimum parking space requirements. The city council shall review such findings of the planning commission prior to issuance of construction permits for building and/or paving. (Ord. 559 N.S. § A (part), 1981)

18.50.320 Surfacing—Permit required.

No person, firm or corporation shall pave any portion of any lot or land for parking, driveways or storage lots in any use zone without first obtaining a permit from the building official for such paving. "Paving," as used in Division I of this title, means a permanent surface such as concrete, asphalt-concrete, or a material which is of a permanent nature that is impenetrable by rainwater. As a condition for granting such permit the applicant shall submit plans prepared by a registered civil engineer licensed by the state to do such work for approval, and shall be required to pay the applicable storm drainage charges and inspection fee pursuant to resolution of the city and the amendments thereto, provided that no double charge is made. (Ord. 559 N.S. § A (part), 1981)

18.50.330 Surfacing—Garage floors and driveways.

Whenever a garage or carport is provided in any use district, the floor shall be four inches of concrete, with four inches of Class 2 aggregate base rock or approved base. Driveways in residential subdivisions shall be four inches of concrete with four inches of Class 2 aggregate base or approved base. In rural subdivisions, i.e., RE residential zone districts of twelve thousand square feet minimum lot sizes or greater, pavement may be of two-inch asphalt concrete over six inches of Class 2 aggregate base or approved base, when approved by the building official. If the entrance to the garage is more than fifty feet, the first fifty feet from the roadway shall be paved. The remaining portion of the driveway may be oil and screened over a minimum of four inches of Class 2 aggregate base or approved base. (Ord. 592 N.S. § A, 1982)

18.50.340 Lighting—Open lots.

Open parking lots and carports shall be provided with a maintained minimum of two footcandles of light on the parking surface during the hours of darkness. Lighting devices shall be protected by vandalism-resistant covers. (Ord. 559 N.S. § A (part), 1981)

18.50.350 Lighting—Multiple-family dwellings.

Aisles, passageways and recesses related to and within the building complex shall be illuminated with an intensity of at least twenty-five one-hundredths (.25) footcandles

at the ground level during the hours of darkness. Lighting devices shall be protected by vandalism-resistant covers. (Ord. 559 N.S. § A (part), 1981)

18.50.360 Using spaces to store goods or vehicles prohibited.

A required parking or loading space, or access thereto, shall not be used for the storage of goods, or for the storage of vehicles that are inoperable or for sale or rent. (Ord. 559 N.S. § A (part), 1981)

18.50.370 Drive-thru lanes and exiting requirements.

A. Drive-thru lanes (or queuing lanes) for fast food restaurants shall have a capacity for at least eight vehicles, at twenty feet per vehicle. Drive-thru lane capacity for other types of drive-thru uses will be determined by the Planning Commission through the Conditional Use Permit process based on appropriate traffic engineering criteria and addressing the following issues:

1. Nature of the product or services being offered;
2. Method by which the order is processed;
3. Time required to serve a typical customer;
4. Arrival rate of customers;
5. Peak demand hours.

B. Drive-thru lanes shall be separate from the circulation lanes necessary for entering and exiting the property and providing access to parking.

C. Pedestrian access routes shall not cross a drive-thru lane within the minimum stacking space distance as provided under subsection A of this section.

D. No vehicular entrance or exit to a drive-in establishment shall be located within the distances from the nearest public street intersection as set forth in the following table:

Access Street Signed Speed	Clear Distance from Adjacent Public Street Intersection (feet)	
	With Median Opening	Without Median Opening
25	105	55
30	125	65
35	150	75
40	185	95
45	230	115
50	285	145
55	350	175

(Ord. 1135 § 57, 1993; Ord. 846 § 3, 1987)

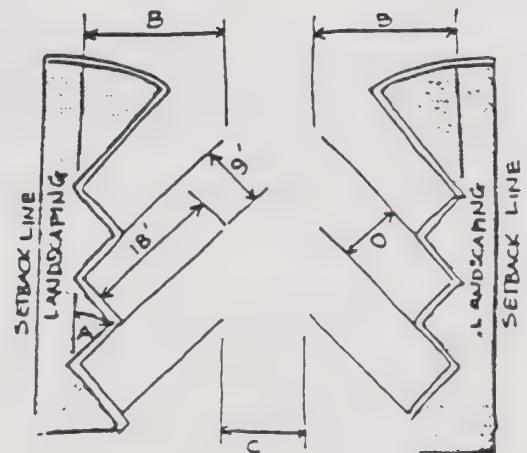
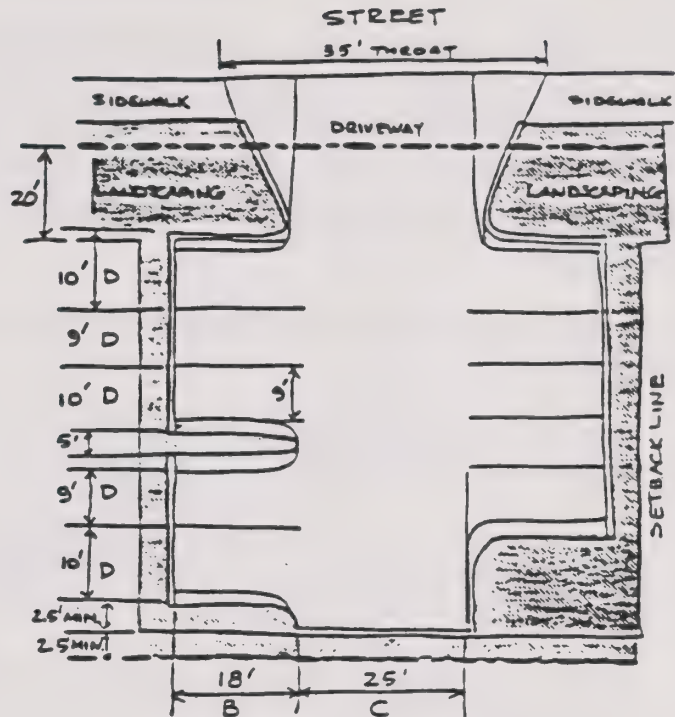
18.50.380 Location of guest, camper, boat and trailer parking.

Guest parking referred to in Section 18.50.020 shall be conveniently located at mid-block locations and in close proximity to recreational amenities. In no case shall guest parking spaces be located more than one hundred fifty feet from a residential dwelling. Guest parking spaces shall not be used by tenants nor shall vehicles other than operational motor vehicles be parked in the spaces. No signs shall be erected restricting guests from parking in properly marked off-street guest spaces. Camper, boat and trailer parking spaces shall be located and screened so as not to be visible from the public street, subject to community development department review and approval. (Ord. 899 N.S. § 17, 1989)

EXHIBIT A

FULL-SIZE			
A	B	C	D
0°	8	12	8
45°	18.7	15	8.5
60°	19.8	16	9
90°	18	25	9

SMALL CAR			
A	B	C	D
0°	8	12	8
45°	16.6	15	8
60°	17.6	16	8
90°	16	25	8



A = Angle off-street parking space makes with wall, curb, or fence (Parking angle in degrees)

B = Minimum distance measured at right angles, from wall, curb, or fence to nearest edge of aisle (length of stall perpendicular to aisle)

C = Minimum width of one-way aisle

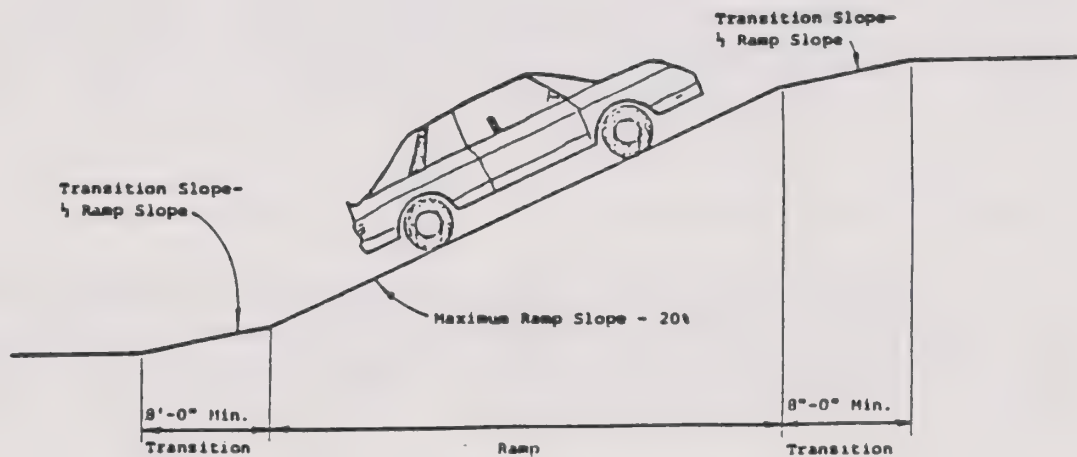
D = Minimum width of the off-street parking space measured at right angles from side boundaries of such space.

Supplement for Exhibit A

1. All parking stalls shall be marked in an acceptable manner.
2. Where two parking angles are to be used in a single lot, they shall be located in separate areas of the lot.
3. The concrete curbing shall be used as wheel stops where possible. The use of bumper blocks is discouraged.
4. Parking spaces adjacent to landscape planters shall contain an eighteen inch concrete walk (including curb width).
5. Any parking layout necessitating a cul-de-sac or similar type of turning facility for reversing direction of travel in order to exit from the area or any parking spaces will be generally discouraged.
6. When a long driveway having only a single ingress is necessary within a development, provisions should be made for the maneuvering of emergency vehicles, and the arrangement approved by city staff prior to its incorporation into the plan.
7. Landscaped areas shall be provided between asphalt areas and all building structures and fences and property lines. Hardscaping may be used where pedestrian access is a necessity as determined by the community development director.
8. Landscape planters shall be provided at both ends of a row of spaces with the planter area length equal to the adjoining parking spaces.
9. Dead-end ninety-degree parking shall be provided with adequate turning room. The turnaround area may encroach into landscaped areas, provided that a landscaped strip of a minimum width of two feet, six inches is provided between the paved area (including curb width) and the property line.
10. Thirty percent of parking may be designated as small car or compact car parking.

Exhibit B Ramp Slope

The maximum ramp slope should be twenty percent. For slopes over ten percent, a transition at least eight feet long should be provided at each end of the ramp at one-half the slope of the ramp itself. Inside radius of turns should be forty-two feet or more, with passing turnouts as required by the fire chief. Provide adequate turnaround area for four emergency vehicles at site. All road surfaces and bridges must sustain thirty-five thousand pounds' loading.



NOTE: Transitions required only if slope exceeds ten percent.

Chapter 18.52

ZONING PERMITS

Sections:

- 18.52.010 Purpose of permits.
- 18.52.020 Required when.
- 18.52.030 Required when no building permit is required.
- 18.52.040 Application--Initiation.
- 18.52.050 Application--Drawings and plot plans required.
- 18.52.060 Issuance conditions.
- 18.52.070 Expiration date.

18.52.010 Purpose of permits.

The purpose of the zoning permit is to determine compliance with the provisions of Division I of Title 18 of this code and Chapter 8.40, hazardous materials, as existing or hereafter amended. (Ord. 847 N.S. § 1, 1987; Ord. 559 N.S. § A (part), 1981)

18.52.020 Required when.

Zoning permits shall be required for all buildings and structures hereinafter erected, constructed, altered, repaired or moved within or into any district established by Division I of this title, and for the use of vacant land, or for a change in the character of the use of land or building within any district established by this division. (Ord. 559 N.S. § A (part), 1981)

18.52.030 Required when no building permit is required.

A zoning permit shall be required prior to the commencement of any commercial or industrial activity, the carrying out of which does not require any building permit in connection therewith. (Ord. 559 N.S. § A (part), 1981)

18.52.040 Application—Initiation.

Application shall be made by the property owner, or agent thereof, on a form prescribed by the city. (Ord. 559 N.S. § A (part), 1981)

18.52.050 Application—Drawings and plot plans required.

The application shall be accompanied by a plot plan showing the lot lines, and dimensions and locations of improvements with dimensions, and any other drawings or data necessary to show that yard requirements and all other provisions of Division I of this title will be fulfilled. (Ord. 559 N.S. § A (part), 1981)

18.52.060 Issuance conditions.

It shall be the duty of the building inspector to issue a zoning permit, provided the building inspector is satisfied that the structure or premises, and the proposed use thereof, conform with all requirements of this chapter and all the requirements of Chapter 8.40, hazardous materials, as now existing or hereafter amended. (Ord. 847 N.S. § 2, 1987; Ord. 559 N.S. § A (part), 1981)

18.52.070 Expiration date.

In the case where a zoning permit has not been used within six months after the date of granting thereof, then without further action it shall become null and void. (Ord. 559 N.S. § A (part), 1981)

Chapter 18.54

CONDITIONAL AND TEMPORARY USE PERMITS

Sections:

Article I. Conditional Use Permits

- 18.54.010 Purpose of permits.
- 18.54.020 Required when.
- 18.54.030 Application--Contents.
- 18.54.035 Application process--Hazardous materials reprocessing uses.
- 18.54.040 Application--Planning commission considerations.
- 18.54.050 Application--Action by planning commission.
- 18.54.060 Issuance.
- 18.54.070 Expiration--Extensions.
- 18.54.080 Permits attached to land.
- 18.54.090 Annual review--Revocation of permits.

Article II. Temporary Use Permits

- 18.54.100 Purpose.
- 18.54.110 Application--Contents.
- 18.54.120 Application--Processing and approval.
- 18.54.130 Cash deposit.
- 18.54.140 Signage.
- 18.54.150 Hold harmless agreement.
- 18.54.160 Permits required.

Article I. Conditional Use Permits

18.54.010 Purpose of permits.

The purpose of conditional use permits is to allow a proper integration into the community of uses which may only be suitable in specific locations in a zoning district, or only if such uses are designed or laid out in a particular manner on the site or are subjected to specific conditions. In addition, in select locations, control as to design of

structures and site layout is necessary to assure compatibility within the district and its surroundings. (Ord. 559 N.S. § A (part), 1981)

18.54.020 Required when.

A conditional use permit shall be required for all uses or development proposals listed as conditional uses in the district regulations, or elsewhere in Division I of this title. (Ord. 559 N.S. § A (part), 1981)

18.54.030 Application—Contents.

Application for a conditional use permit shall be made by the property owner or agent thereof on a form prescribed by the city, and shall be accompanied by the following submittal requirements except as may be waived by the community development director for proposed uses in existing structures:

- A. Vicinity map;
- B. Site plan;
- C. Floor plan;
- D. Building elevations;
- E. Signing and landscape plan;
- F. Statement of proposed operations.
- G. Other materials required by the Santa Clara County hazardous waste management plan or its city-designated equivalent, if an application is for a hazardous materials processing use in an industrial zoning district. (Ord. 1104 N.S. § 1 (Exh. A)(part), 1992; Ord. 559 N.S. § A (part), 1981)

18.54.035 Application Process—Hazardous Materials Reprocessing Uses

Where a conditional use permit application is for a hazardous materials reprocessing use, additional steps of notification will be required by the city, including yet not limited to:

- A. When required by Health & Safety Code Section 25199 et seq., filing of a Notice of Intent (NOI) to make an application with the California Office of Permit Assistance, which shall be published in a local newspaper of general circulation; and

shall be posted on the subject property at least 90 days before the scheduled Planning Commission hearing;

B. Completion of a risk assessment checklist supplied by the city;

C. Formation of a local assessment committee, when required pursuant to Section 25199.7(d) of the California Health and Safety Code; such committee to have technical assistance and consulting services as determined by the city, with all such costs to be paid by the applicant. (Ord. 1104 N.S. § 1 (Exh. A)(part), 1992)

18.54.040 Application--Planning commission considerations.

In considering an application for a conditional use, the planning commission shall consider the following:

A. The suitability and adequacy of the site for the proposed use;

B. The estimated effect of the proposed use or design on traffic circulation and on the planned capacity of the street system;

C. The compatibility of design with adjacent uses within the district and its surroundings;

D. The applicability and conformity of the use with provisions of Chapter 8.40, hazardous materials, as existing or hereafter amended. (Ord. 847 N.S. § 3, 1987; Ord. 559 N.S. § A (part), 1981)

18.54.050 Application--Action by planning commission.

A. Upon concluding its evaluation of a proposed conditional use, the planning commission may either deny the application or approve it with such conditions as it deems necessary. Such action shall be communicated to the applicant in writing and, if favorable, shall be the basis for subsequent issuance of the conditional use permit by the community development director.

B. The planning commission shall approve the application only if it finds that:

1. The site is suitable and adequate for the proposed use;

2. The proposed use and design would not have a substantial adverse effect in traffic circulation and on the planned capacity of the street system;

3. The proposed use at the location requested will not:

a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area, or

- b. Impair the utility or value of property of other persons located in the vicinity of the site, or
- c. Be detrimental to public health, safety or general welfare;
- 4. The design of the project is compatible with existing and proposed development within the district and its surroundings; and
- 5. The planning commission shall in no event approve the application for a conditional use which would permit retail sales of groceries, food or beverage items upon automobile service station premises. (Ord. 899 N.S. § 7, 1989; Ord. 715 N.S. § 2, 1985; Ord. 559 N.S. § A (part), 1981)

18.54.060 Issuance.

The community development director shall be responsible for issuance of conditional use permits which have been approved by resolution of the planning commission. (Ord. 559 N.S. § A (part), 1981)

18.54.070 Expiration--Extensions.

A. Approvals of conditional use permit applications shall be valid for either one year from the date of approval, or the time specified in the approval. However, at any time within the stated period, the approval may be extended by the planning commission upon the applicant requesting in writing such extension and paying the established fee.

B. Following commencement of use and except where the permit has been approved for a specified period, the effectiveness of the permit shall be for an indefinite period. For the purpose of this section, "commencement of use" means when actual substantial continuous activity has taken place upon the land pursuant to the permit, or, in the event the erection of a structure or structures is involved, when sufficient building activity has occurred to cause vested rights to accrue under the general principles of state law relating to the vesting of rights in connection with building permits generally. Any issue, doubt or controversy regarding "commencement of use" shall be referred to the planning commission for decision and determination. (Ord. 559 N.S. § A (part), 1981)

18.54.080 Permits attached to land.

A conditional use permit shall be considered attached to and running with the land.
(Ord. 559 N.S. § A (part), 1981)

18.54.090 Annual review--Revocation of permits.

A conditional use permit approval shall be reviewed annually by the community development department for compliance of all conditions imposed thereon. Should the department find any conditions of the use permit unsatisfied, the owner of the property shall be notified thereof, and shall be given thirty days' notice to correct such use permit violations. Failure to correct the violations within such period of time shall result in action to revoke the use permit subject to a public hearing before the city council. (Ord. 559 N.S. § A (part), 1981)

Article II. Temporary Use Permits

18.54.100 Purpose.

The purpose of temporary use permits is to allow uses of a temporary nature on private property to exist for a specified length of time, in a manner which will not adversely impact the general welfare of persons residing in the community.

Uses on public property must conform to Chapter 12.16, events on public property.
(Ord. 866 N.S. § 2, 1988; Ord. 847 N.S. § 4, 1987; Ord. 559 N.S. § A (part), 1981)

18.54.110 Application--Contents.

Any person wishing to establish a temporary use permit shall submit an application to the community development department (CDD). The application shall be accompanied by a site plan, showing the layout for the proposed use, and other plans as deemed necessary by the CDD. A statement of proposed operations shall also be submitted. Such applications should be filed at least one month prior to the operation of the proposed use.
(Ord. 866 N.S. § 3, 1988)

18.54.120 Application--Processing and approval.

Upon receipt of the application by the CDD, the TUP will be processed within two weeks.

The community development director shall be authorized to approve, conditionally approve or deny TUP applications.

Upon approving a TUP, the CDD shall notify the applicant in writing, listing all conditions of the approval.

Approval of a temporary use permit shall not be interpreted as relieving the applicant of any other city standard, regulation and/or requirement as stated in this title.

Appeals of action taken by the CDD shall be heard by the planning commission. Appeals shall be processed pursuant to Chapter 18.64 of this title.

The use will be in conformance with all the requirements of the hazardous materials ordinance codified in Chapter 8.40, as existing or hereafter amended. (Ord. 899 N.S. § 20, 1989; Ord. 866 N.S. § 4, 1988)

18.54.130 Cash deposit.

Any TUP that physically changes, alters and/or temporarily improves a site, shall be required to post a cash deposit of five hundred dollars (or as otherwise noted), prior to its approval. This is intended to defray the cost of clean up of a site by the city in the event the applicant fails to leave the property in a presentable and satisfactory condition, or to guarantee removal and/or reconversion of any temporary use or structure. The cash deposit may be waived by the community development director, if determined to be an unnecessary hardship. (Ord. 866 N.S. § 5, 1988)

18.54.140 Signage.

All temporary uses shall conform to the requirements of the city sign ordinance for temporary signs, per Section 18.76.130. (Ord. 866 N.S. § 6, 1988)

18.54.150 Hold harmless agreement.

The applicant shall agree in writing to hold harmless the city, its officers, agents, and employees from any liability or claims for damages on account of injury to any person,

loss of life, or damage to property caused by, or arising out of activities authorized by a TUP. (Ord. 866 N.S. § 7, 1988)

18.54.160 Permits required.

An application for a TUP shall be required for the following uses and shall be subject to the conditions contained thereafter. Additional conditions may be required by the community development director. The community development director may exempt a temporary use from the provisions of this article when it is determined the temporary use is incidental in nature, and will not create any adverse impacts. Such uses include: sales of tickets, candy or food items, at shopping centers, restaurants or similar places, or other similar uses as approved by the community development director. Temporary flower sales are prohibited.

A. Parking Lot/Sidewalk Sales. Such uses shall be limited to seven days in any one-hundred-eighty-day period. The use must be located upon commercially designated property.

B. Arts and Crafts Show. Such uses shall be limited to seven days in any one-hundred-eighty-day period.

C. Fundraising Events. Such uses shall be limited to two consecutive days in any thirty-day period.

D. Christmas Tree or Pumpkin Sales Lots. All such uses shall be limited to forty-five days per calendar year. The project site shall be left in a clean and debris-free state. All lighting shall be directed away from adjacent properties and public rights-of-way.

Adequate provisions for traffic circulation, controlled ingress and egress, off-street parking and pedestrian safety shall be provided to the satisfaction of the community development department.

E. Seasonal Sale of Agricultural Goods. All such uses shall be limited to ninety days per calendar year, not to exceed thirty consecutive days. The project site shall be left in a clean and debris-free state. All lighting shall be directed away from adjacent properties and public rights-of-way.

Adequate provisions for traffic circulation, controlled ingress and egress, off-street parking and pedestrian safety shall be provided to the satisfaction of the community development department.

F. Traveling Amusements (Carnivals, Rodeos, Etc.). All such uses shall be limited to not more than fifteen days, or more than three weekends, of operation in any one-hundred-eighty-day period. All such uses shall have a minimum setback of one hundred feet from any residential district or use.

Adequate provisions for traffic circulation, off-street parking and pedestrian safety shall be provided to the satisfaction of the community development department, including accommodations for deliveries and employee parking. Rest room facilities shall be provided.

All lighting shall be directed away from adjacent properties and public rights-of-way. Noise attenuation for generators and carnival rides shall be provided to the satisfaction of the community development department.

G. Model Home Complexes for Residential Subdivisions and Leasing Offices for Commercial and Industrial Projects. Such uses shall be for a two-year period or thirty days from the close of escrow of the final unit, whichever comes first or thirty days from the final initial lease. The sales/leasing office shall be located in a garage, trailer, dwelling unit or tenant space. The sales office is to be used only for the transactions involving the sale of dwelling units and/or lots of the tract in which the complex is located, or for the leasing of tenant space within that project. All other uses are strictly prohibited.

Street improvements and temporary off-street parking at a rate of two spaces per model (four spaces for a leasing office) shall be installed prior to the commencement of sales or leasing activities and before the display of the model homes. All fencing associated with the model homes complex shall be located outside the public right-of-way.

A cash deposit of one thousand five hundred dollars shall be posted to cover the reconversion of the models for occupancy. A cash deposit of one thousand dollars shall be posted for leasing offices. All reconversions, removals or installations shall be completed within thirty days from the close of escrow of the final unit or final initial lease. There shall be no use of flags or banners in conjunction with the sales office for which this permit is being issued.

H. Trailers and RV's.

1. A trailer, RV or modular unit may be used for security personnel, temporary storage, temporary office or other uses or for temporary residence of the subject property owner, when located on an active construction site within a residential zone. Installation of a trailer or RV may occur only after a valid building permit has been issued by the chief building official.

2. A trailer, RV or modular unit may be used for any of the purposes specified in subdivision (1) above in any non-residential zone with the approval of the community development department.

3. Under no circumstances shall a temporary trailer or RV remain for a period exceeding one year. A six-month extension may be granted by the community development director.

4. Trailers or RV's pursuant to this permit shall not exceed a maximum of six hundred fifty square feet. Their location upon the site shall meet the approval of the community development department and meet all the standards (setbacks, parking, etc.) of the base zoning district. Trailers or RV's must have valid vehicle licenses and shall meet all requirements and regulations of the county department of health services and the chief building official.

I. Promotional Sales. Promotional sales, retail sales of items not typically sold from premises, shall be permitted not to exceed twenty-four days per calendar year. Such uses must locate upon developed commercial property with approval of property owner. (Ord. 1055 N.S. § C (part), 1991; Ord. 866 N.S. § 8, 1988)

Chapter 18.55

SECONDARY DWELLING UNITS

Sections:

- 18.55.010 Purpose.
- 18.55.020 Applicability.
- 18.55.050 Development standards for new secondary dwelling units.

18.55.010 Purpose.

This chapter provides for secondary dwelling units in certain areas and on lots developed or proposed to be developed with single-family dwellings. Such secondary dwellings are allowed because they can contribute needed housing to the community's housing stock. Their inclusion on the same lot as the primary dwelling will tend to diminish their impact on the surrounding area and on services. Thus, it is found that secondary dwelling units do not exceed the allowable density for the lot upon which they are located; and further, secondary units are a residential use which is consistent with the general plan and zoning regulations. (Ord. 884 N.S. § 3 (part), 1988)

18.55.020 Applicability.

Secondary dwelling units shall only be allowed in the following zones:

- A. O-S District: on lots of five acres (net) or more;
- B. R-1 (7,000): on lots of seven thousand square feet or more;
- C. R-1 (9,000): on lots of nine thousand square feet or more;
- D. R-1 (12,000): on lots of twelve thousand square feet or more;
- E. R-1 (20,000): on lots of twenty thousand square feet or more;
- F. R-E (40,000): on lots of forty thousand square feet or more;
- G. R-E (100,000): on lots of one hundred thousand square feet or more. (Ord.

1135 § 59, 1993; Ord. 908 § 1, 1989; Ord. 884 § 3 (part), 1988)

18.55.050 Development standards for new secondary dwelling units.

Secondary dwelling units shall be subject to the same requirements as any dwelling located on the same parcel in the same zoning district, with the following differences:

- A. Number of Secondary Dwelling Units. One secondary dwelling unit is permitted for each appropriately zoned parcel that contains single-family dwelling.
- B. Minimum Lot Area Per Dwelling Unit. The minimum lot area per dwelling unit required by the applicable district shall apply, except as required by the Hillside Combining District, whichever is larger.
- C. Maximum Unit Size. No portion of an attached secondary dwelling unit shall occupy more than fifteen percent of the existing living area of the primary dwelling. The total floor area of the secondary dwelling unit shall not exceed six hundred forty square feet.
- D. Detached Units. Secondary dwelling units may be either detached from, or attached to the primary dwelling unit on the property. A detached unit must conform to the building setback and lot coverage limitations contained in the applicable zoning district and shall be setback a minimum of six feet from the primary dwelling unit.
- E. Required Off-Street Automobile Parking Spaces. There shall be provided at time of establishment of a secondary dwelling unit, a minimum of one off-street parking space for the second dwelling unit, in addition to those required for the primary single-family dwelling. Off-street parking spaces for the secondary dwelling unit may be uncovered, but shall conform to all other applicable requirements contained in Chapter 18.50. Off-street parking for a secondary dwelling unit may be located within the front and side yard areas, provided that the parking space is setback a minimum of five feet from any interior lot line and fifteen feet from any side property line on a corner lot.
- F. Design.
 1. The design of the secondary dwelling unit shall be compatible with the design and scale of the existing dwelling (using substantially the same landscaping, color, materials and design on the exterior) and the general character of the neighboring residential properties.
 2. Secondary dwelling units located on R-1 lots shall be located in the immediate vicinity of the main dwelling unit.
 3. Secondary dwelling units located on R-E lots shall be located so as to share common access and utilities with the primary dwelling unit and shall be located no greater than one hundred feet from the primary dwelling unit. An exception to the maximum distance between detached dwelling units may be allowed as approved by the community development director in accordance with Section 18.56.150 Minor Exceptions.

G. Septic Tank Disposal System. Detached secondary dwelling units shall provide separate and independent septic tank sewage disposal systems. All leach lines shall be designed and installed in accordance with Bulletin A, "Septic Tank Sewage Disposal System," or other current septic system requirements issued by the Santa Clara County Environmental Health Services. This provision shall only apply in areas of the city where septic tank disposal systems are allowed due to lack of sanitary sewer lines. In other areas of the city, the second unit shall be connected to the sanitary sewer system through the existing lateral line serving the primary dwelling unit.

H. Local Street Standards. Secondary dwelling units may be allowed in all areas of the city as provided herein where local street access meets minimum city standards. Minimum city standards for public streets require the public right-of-way measure at least fifty feet in width, and for the curb-to-curb distance to measure at least forty feet in width. Secondary dwelling units may be located in areas which contain private streets, provided the private streets conform to minimum public street standards. (Ord. 1135 §§ 58, 60, 61, 62, 63, 64 & 65, 1993; Ord. 958 N.S. § 1, 1989; Ord. 908 N.S. §§ 6, 7, 1989; Ord. 884-A § 1, 1989; Ord. 884 § 3 (part), 1988)

Chapter 18.56

EXCEPTIONS AND MODIFICATIONS

Sections:

- 18.56.010 Application of chapter provisions.
- 18.56.020 Accessory structures--Basic requirements.
- 18.56.030 Accessory structures--Side and rear yards.
- 18.56.040 Height limits.
- 18.56.050 Front yard requirements.
- 18.56.060 Projections into required yards.
- 18.56.070 Fences and hedges.
- 18.56.080 Transfer of density.
- 18.56.090 Home occupations.
- 18.56.100 Special residential care facilities.
- 18.56.110 Storage on vacant lots.
- 18.56.120 Storage of construction equipment prohibited in all districts except service commercial and industrial.
- 18.56.130 Storage in yards of residential use districts prohibited.
- 18.56.140 Restricting vehicle parking in front yard of residential use district.
- 18.56.150 Minor exceptions.
- 18.56.160 Outdoor storage.

18.56.010 Application of chapter provisions.

The requirements and regulations specified elsewhere in Division I of this title shall be subject to the exceptions, modifications and interpretations set forth in this chapter. (Ord. 559 N.S. § A (part), 1981)

18.56.020 Accessory structures--Basic requirements.

Accessory structures shall meet the following requirements:

- A. Dwelling Use Restricted. Except for guest houses, accessory structures shall not be used for dwelling purposes.

B. Lot Coverage. Accessory structures shall not exceed thirty percent of the area of the minimum required rear yard. (Ord. 559 N.S. § A (part), 1981)

18.56.030 Accessory structures--Side and rear yards.

The following exceptions and modifications shall apply to the side and rear yard requirements provided in this chapter:

A. Yard Requirements. Accessory structures shall be located at least five feet from any structure on the same lot and at least five feet from any property line. This requirement is subject to the following limitations:

1. If the accessory unit is attached to the main structure, it must be separated by a breezeway or similar passageway.
2. The accessory structure shall be a maximum of twelve feet in height.
3. Cumulatively, accessory structures in rear or side yards can occupy no more than thirty percent of the total required yard area.

B. Patios and Decks. Patios and decks constructed at grade may be located in the side and rear yards to within one foot of any property line. Patios and decks not more than thirty inches above grade may be located in the side and rear yards to within three feet of any property line. If more than thirty inches above the grade, the patio or deck must be setback five feet from the property line.

C. Patio Structures. Patio structures may encroach into required rear yards to within ten feet of the rear lot line.

D. Lath-covered Structures. Lath-covered structures for a principal residential structure may encroach to within three feet from the property line, provided that the lath cover is uniformly open.

E. Exception. A detached accessory structure located closer than three feet of any interior side or rear property line in a residential district shall be subject to the following conditions:

1. It shall be located at least five feet from any structure on the same lot;
2. It shall not exceed a maximum overall height of six feet;
3. It shall be limited to a maximum gross floor projected roof area of one hundred twenty square feet;
4. Fire-resistive materials shall be installed and necessary permits obtained in accord with the city's adopted Uniform Building Code.

F. Pools and Pool Equipment. Swimming pools shall be a minimum of five feet from any structure or property line. Pool equipment shall be setback a minimum of five feet

from property lines. (Ord. 1135 § 66, 1993; Ord. 1055 § C (part), 1991; Ord. 718 § 1, 1985; Ord. 559 § A (part), 1981)

18.56.040 Height limits.

Height limitations set forth elsewhere in Division I of this title shall not apply to:

A. Barns, silos or other farm buildings or structures on farms, provided these are not less than fifty feet from every lot line; church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, distribution and transmission lines, towers and poles, windmills, chimneys, smokestacks, flagpoles, radio towers, masts, and aerials; parapet walls extending not more than four feet above the limiting height of the buildings; outdoor theater screens, provided such screens contain no advertising matter other than name of the theater, to a maximum height of fifty feet, unless otherwise approved by the community development director;

B. Places of public assembly in churches, schools, and other permitted public and semipublic buildings, provided that these are located on the first floor of such buildings, and provided further that for each one foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district. Maximum height shall be fifty feet unless otherwise approved by the community development director;

C. Bulkheads, elevators, penthouses, water tanks, monitors and scenery lofts, provided no linear dimensions of any such structure exceed fifty percent of the corresponding street lot line frontage; or towers and monuments, fire towers, hose towers, cooling towers, grain elevators, provided, however, that all such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five percent of the area of the lot and shall be set back not less than twenty-five feet, in all parts from every lot line, to a maximum height of fifty feet unless otherwise approved by the community development director. (Ord. 1111 N.S. § 27, 1992; Ord. 559 N.S. § A (part), 1981)

18.56.050 Front yard requirements.

The following exceptions and modifications shall apply in front yard requirements provided herein:

A. In any R district where the average depth of at least two existing front yards on lots within one hundred feet of the lot in question and within the same block front are less or greater than the least front yard depth prescribed elsewhere in Division I of this title, the required depth of the front yard on such lot shall be modified. In such case, the front yard shall not be less than the average depth of the existing front yards, or the average depth of existing front yards on the two lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on any lot shall be at least ten feet and need not exceed fifty feet.

B. In any R district where the natural grade of a lot within the required front yard has an average slope, normal to the front lot line at every point along such line, of such a degree or percent of slope that it is not practicable to provide a driveway with a grade of fifteen percent or less to a private garage conforming to the requirements of Division I of this title, such garage may be located within such front yard, but not in any case closer than five feet to the street line. (Ord. 559 N.S. § A (part), 1981)

18.56.060 Projections into required yards.

Certain architectural features may project into required yards or courts, as follows:
Into any required front yard, or required side yard:

A. Cornices, awnings, eaves or other similar architectural features may project a distance not to exceed three feet;

B. Porches, stairways and landings, when they serve as a required means of egress from any structure, may project a distance not to exceed five feet;

C. Bay windows, balconies and chimneys may project a distance not exceeding three feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located;

D. Structures or equipment attached to the main building or garage (e.g., solar panels and water storage tanks, heating, and air conditioning equipment, or similar mechanical equipment), shall not encroach more than fifty percent into a rear or side yard area. Such structures shall be in harmony with the aesthetics of the adjacent surroundings and shall be approved by the director of community development before the issuance of a permit;

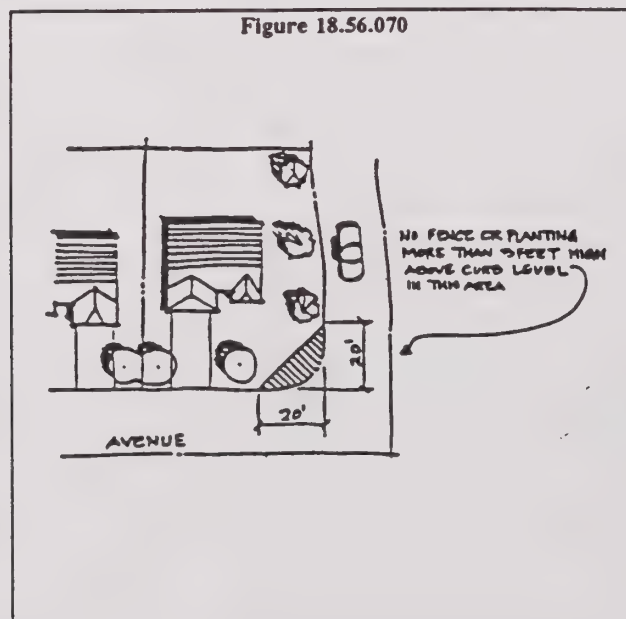
E. Within any commercial zoning districts, canopies are permitted provided that they do not project more than two-thirds the distance of the required front yard or side yard, and a setback from the property line or public right-of-way is no less than five feet. (For additional design guidelines, see Title 18.74, design review, and Section 18.74.495,

canopies in commercial district, of this title.) (Ord. 1055 N.S. § C (part), 1991; Ord. 829 N.S. § 4, 1987; Ord. 567 N.S. § A, 1981; Ord. 559 N.S. § A (part), 1981)

18.56.070 Fences and hedges.

A. No fence or hedge shall be constructed or grown to exceed six feet in height on any property line to the rear of the front setback line of any property, nor to exceed three feet in height from the front setback line of any property to the street right-of-way line except as may be allowed by site and architectural plan approval.

B. A visibility clearance area shall be required on corner lots in which nothing shall be erected, placed, planted or allowed to grow exceeding three feet in height from the back edge of the sidewalk. Such area shall consist of a triangular area bounded by the street right-of-way lines of such corner lots and a line joining points along said street lines twenty feet from the point of intersection. (Ord. 980 N.S. § 3 (part), 1990; Ord. 559 N.S. § A (part), 1981)



18.56.080 Transfer of density.

Where an increase in dwelling unit density is permitted under the provisions of Section 18.18.110 of this title, or by the Transfer of Development Credits (TDC) Ordinance, exceptions to minimum lot sizes and yard requirements in all R districts shall be permitted in order to allow density allowances up to twenty-five percent above the base district requirements, provided that all provisions of Section 18.18.110 or the TDC ordinance are satisfied. (Ord. 1135 § 67, 1993; Ord. 559 § A (part), 1981)

18.56.090 Home occupations.

A. A zoning permit shall be required for all home occupations. Prior to issuance of any zoning permit for a home occupation, the following criteria shall be used by the community development department in evaluating the application:

1. The use is clearly incidental and secondary to the use of the dwelling for residential purposes;
2. That portion of the use conducted in the dwelling unit shall be carried on solely by the resident thereof;
3. All uses shall be conducted only in one room of the dwelling or garage. In no case shall the home occupation occupy more than one-fourth of the floor area on one floor of the building;
4. Materials used in home occupations shall be stored only in the room used for the home occupation, or in that area of the garage not required for parking;
5. The use shall not entail the use or storage of explosive, flammable or otherwise hazardous materials;
6. The mechanical or electrical equipment used in connection with the home occupation shall not require an electrical motor exceeding fifteen amperes at one hundred ten volts, or the equivalent thereof, and not be operated in such a manner as to disturb the peace, quiet and comfort of neighboring residents or any reasonable person of normal sensitivity residing in the area;
7. The appearance of the dwelling shall not be altered, nor shall the home occupation be conducted in such a manner that it may be reasonably recognized as serving a nonresidential use, either by color, materials, construction, lighting, signs, sounds or vibrations;
8. No signs or displays shall be used to identify the home occupation;
9. The use shall not attract more than ten vehicles per day.

- B. A zoning permit issued for a home occupation is not transferable.
- C. The following uses are expressly prohibited:
 - 1. Repair or construction of motor vehicles and large appliances;
 - 2. Massage parlors, dating services, photo schools and dance studios. (Ord. 1135 §§ 68 & 69, 1993; Ord. 559 N.S. § A (part), 1981)

18.56.100 Special residential care facilities.

A. Special residential care facilities, as defined in Chapter 18.04 of this title, shall require zoning permit approval by the community development director. The director may require, as a reasonable condition to zoning permit approval, that the facility be located farther than three hundred feet from the nearest similar facility, up to a distance of one mile.

B. A zoning permit for special residential care facilities may be revoked at any time by the city council, following public hearing, provided that the council finds:

- 1. The facility is located within three hundred feet, measured from property boundary line to property boundary line, of another existing community care facility for wards of the juvenile court; and
- 2. The presence of the facility at its present location has resulted in the surrounding neighborhood having to sustain a disproportionate and unreasonable level of vandalism, violence, or other acts of disruption. (Ord. 559 N.S. § A (part), 1981)

18.56.110 Storage on vacant lots.

No person shall store any commercial or construction equipment or materials or store or park any boat, house trailer, camper trailer, detached camper-trailer top, motor vehicle or dismantled motor vehicle on vacant lots or vacant parcels in any zoning district of the city. (Ord. 899 N.S. § 24 (part), 1989)

18.56.120 Storage of construction equipment prohibited in all districts except service commercial and industrial.

No person shall store any commercial or construction equipment or materials on any occupied lot or parcel in any zoning district of the city except in the service commercial or industrial districts. Equipment or materials being used for construction on the premises

where a valid building permit has been issued or applied for may be stored thereon during construction. (Ord. 899 N.S. § 24 (part), 1989)

18.56.130 Storage in yards of residential use districts prohibited.

A. Front Yard Storage Prohibited. No person shall store any boat, house trailer, camper, mobile home, trailer, detached camper-trailer top, dismantled vehicle or any other similar type vehicle in the front yard of any residential district, which shall include those portions of a PUD (Planned Unit Development) district devoted to residential uses.

B. Side and Rear Yard Storage Restricted. No person shall park or store any boat or trailer in the side yard or rear yard area of a corner lot or reversed corner lot of any residential district and also those portions of a PUD district devoted to residential uses unless said boat or trailer is screened from view from public rights-of-way and such boat or trailer is setback at least as far as the required front yard setback on the adjacent interior lot. (Ord. 899 N.S. § 24 (part), 1989)

18.56.140 Restricting vehicle parking in front yard of residential use district.

No person shall park or store any automobile or other motor vehicle, including but not limited to motorcycles, in any front yard in any residential district or those portions of a PUD district devoted to residential uses. Parking shall be permitted in and upon an improved or paved driveway in said front yard area if each vehicle is currently licensed and operative. (Ord. 899 N.S. § 24 (part), 1989)

18.56.150 Minor exceptions.

A. Authority. To achieve the purpose, the community development director is authorized to grant a minor exception to the following code requirements and for the following reasons in accordance with the procedures in this section and to impose reasonable conditions. Conditions may include, but shall not be limited to, requirements for special yards, open spaces, buffers, fences, walls and screening, requirements for installation and maintenance of landscaping and erosion control measures, regulation of vehicular ingress and egress, and traffic circulation, regulation of signs, regulation of hours or other characteristics of operation, establishment of development schedules or time limits for performance or completion, requirements for periodic review by the community

development department and such other conditions as the community development department may deem necessary to ensure compatibility with surrounding uses, to preserve the public health, safety and welfare, and to make the findings required by subsection E of this section.

1. Fence Height. In any district the maximum height of any fence, wall, hedge or equivalent screening may be increased by a maximum of two feet, where the topography of sloping sites or a difference in grade between adjoining sites warrants such increase in height to maintain a level of privacy, or to maintain effectiveness of screening, as generally provided by such fence, wall, hedge or screening in similar circumstances.

2. Setbacks. In any district, the community development director may decrease the minimum setback by not more than twenty-five percent for front and rear yard areas and not by more than forty percent in side yard areas where the proposed setback area or yard is in character with the surrounding properties and is not required as an essential open space or recreational amenity to the use of the site, and where such decrease will not unreasonably affect abutting sites.

3. Lot Coverage. In any district, the community development director may increase the maximum lot coverage by not more than ten percent of the lot area, where such increase is necessary for significantly improved site planning or architectural design, creation or maintenance of views, or otherwise facilitate highly desirable features or amenities, and where such increase will not unreasonably affect abutting sites.

4. Off-site Parking. The community development director may authorize a maximum twenty-five percent of the required parking for a use to be located on a site not more than three hundred feet from the site of the use for which such parking is required, where such off-site parking will serve the use equally as effectively and conveniently as providing such parking on the same site as the use for which it is required. The community development director may require conditions as deemed necessary to ensure utility, availability and maintenance of such joint use of off-site parking facilities.

5. On-site Parking. The community development director may authorize a maximum twenty-five percent reduction in the required on-site parking requirements where such reduction will not result in a traffic hazard or impact the necessary parking for the use.

6. Height. In any district the community development director may authorize a ten percent increase in the maximum height limitation. Such increases may be approved where necessary to significantly improve the site plan or architectural design, and where scenic views or solar access on surrounding properties are not affected.

B. Application. An application for a minor exception shall be filed with the community development department, in a form prescribed by the community development director.

C. Notification. The community development department shall notify the applicant and contiguous property owners and other interested parties of the proposed exception by certified mail ten days prior to the decision of the community development director.

D. Findings. The community development department shall make the following findings when approving an application for a minor exception:

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the general plan and intent of this title;

2. That there are exceptional circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same district;

3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of the privileges enjoyed by the other property owners in the same district;

4. That the granting of the minor exception will not constitute a grant of special privilege inconsistent with the limitations on the other properties classified in the same district, and will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

E. Planning Commission Review. If an administrative variance application is approved by the community development director, such action shall be reported to the planning commission within ten days or at its next succeeding regular meeting. If the commission decides to review the application and conditions, it shall conduct a public hearing after giving notice pursuant to Section 17.20.080.

At the hearing the commission may add, modify or revoke the approval when the commission determines that such changes are necessary to ensure that the variance approval conforms to the intent and purpose of the applicable provisions of this title. If the commission does not act within the time limits set forth in this section, the administrative variance application shall be deemed to have been approved or conditionally approved as set forth in the community development department report. (Ord. 1044 N.S. § 1, 1991)

18.56.160 Outdoor storage.

Outdoor Storage in Commercial and Industrial Areas. Outdoor storage buildings, containers and enclosures in commercial and industrial zoning districts are permitted only when screened from view of any public right-of-way, are less than three hundred square feet, and located in rear or side yard areas. Location of storage buildings, enclosures,

containers, etc., shall not interfere with or remove existing required parking and shall not be used for any purpose other than storage. Location and screening of storage containers must be approved by the community development department prior to placement on any industrial or commercial property. (Ord. 1055 N.S. § C (part), 1991)

Chapter 18.58

NONCONFORMING USES AND STRUCTURES

Sections:

- 18.58.010 Applicability of chapter.
- 18.58.020 Continuation permitted when.
- 18.58.030 Nonconforming uses--Land.
- 18.58.040 Nonconforming uses--Structures or buildings.
- 18.58.050 Nonconforming structures or buildings.
- 18.58.060 Nonconforming lots.
- 18.58.070 Nonconforming uses--screening, fencing or landscaping.
- 18.58.080 Nonconforming uses--Deemed conditional uses when.
- 18.58.090 Uses or structures affected by earthquakes.

18.58.010 Applicability of chapter.

Existing uses which do not conform to the regulations of the district wherein located shall be subject to the specific regulations set out in this chapter in addition to general regulations contained in Division I of this title, in order to permit the continued operation of such uses while providing for the gradual elimination of such uses in compliance with the General Plan and the overall goal of the city for community development. (Ord. 559 N.S. § A (part), 1981)

18.58.020 Continuation permitted when.

Nonconforming uses, buildings and structures and lots may be continued, subject to the provisions of Division 1 of this title. Nonconforming signs are subject to the limitations established in the Sign Ordinance. (Ord. 559 N.S. § A (part), 1981)

18.58.030 Nonconforming uses--Land.

A. No nonconforming use of land shall be enlarged, increased or extended to occupy a greater area of land than was occupied when it became nonconforming.

B. Where a nonconforming use of land on a lot has ceased for ninety days or more, such lot shall not again be put to a nonconforming use. A "nonconforming use of

land," as used in this chapter, means and includes use of either unimproved land or land containing minor structures such as fences and buildings less than four hundred square feet in area.

C. Nonconforming Adult Business Uses. Sections 18.48.170 and 18.48.180 of the Municipal Code shall apply to the establishment of an "adult business" and to any "adult business" existing at the time this section was enacted, except that any such existing "adult business" shall be allowed to continue to operate if within sixty days from the effective date of this section (a) the owner or owners apply for a "police permit" as described in Section 5.60.010 of the Municipal Code, or (b) the owner or owners apply for a state permit or certification from one of the professions described in Section 18.04.018.2 herein, where the applicant is eligible by education or other credentials to apply for said state permit or certification; and if such permit in (a) or (b) preceding is actually granted within ninety days thereafter. A permit may be granted irrespective of the locational criteria contained in this section. Any owner of an "adult business" which does not receive such permit after the time period described herein is in violation of this section unless extended by the chief of police.

1. Amortization of Nonconforming Uses. Any nonconforming use which does not receive one of the permits described in Section 5.60.010 or 18.48.180 of this section within the time period prescribed therein, shall be amortized and removed within one year of the effective date of this section, unless such time period is extended by the chief of police for not more than two additional one year extensions for reasonable cause and amortization of investment. An application for extension shall be made to the chief of police at least one hundred and twenty days prior to expiration of the time previously allowed for amortization of the nonconforming use, in the same application format and under the same process as an application for a police permit as described in this section. (Ord. 1150, § III G, 1993; Ord. 1135 § 70, 1993; Ord. 559 § A (part), 1981)

18.58.040 Nonconforming uses--Structures or buildings.

A. A nonconforming use of a structure or building may be maintained indefinitely, except as otherwise provided in this chapter.

B. A nonconforming use of a structure or building may be changed to a similar use or a use of a lesser intensity upon approval of a conditional use permit by the planning commission. As used in this section, a "use of a lesser intensity" means a use which is found by the planning commission to require less employees or less storage capacity or less service or demands on public facilities, and is more compatible with adjacent and future planned use.

C. The nonconforming use of a structure or building shall not continue if the use has ceased for six consecutive months, or for twelve months if any consecutive period of twenty-four months. When such a cessation of use has occurred, the premises or structure shall only be used for the purposes allowed in the district in which it is located.

D. Where a structure or building containing a nonconforming use is damaged or destroyed by any means, and replacement in kind exceeds fifty percent of the market value as determined by the county assessor on the last equalized assessment roll, it shall not resume its nonconforming use, but may be restored and used in conformity with the provisions of the district in which it is located.

E. Whenever a nonconforming use of a structure or building has been changed to a conforming use, such conforming use shall not thereafter be changed to a nonconforming use. (Ord. 559 N.S. § A (part), 1981)

18.58.050 Nonconforming structures or buildings.

A. A nonconforming structure or building may be maintained indefinitely in its original condition except as otherwise provided in this chapter.

B. A nonconforming building may not be enlarged or altered in any manner which increases the degree of nonconformity which exists as to the height or location on the lot on which it is located.

C. In a residential zone, if a nonconforming residential structure or building which was legally established at the time of construction is damaged or partially destroyed by any natural means such as fire, flood or earthquake regardless of the cost as a percentage of market value at the time of destruction or damage, the structure or building may be reconstructed as it existed and may be continued as a legal nonconforming structure or building subject to approval of an administrative site review permit and compliance with the conditions thereof. The conditions of such administrative site review permit may impose requirements necessary to protect the public health, safety and welfare which for the purposes of this Section, means nonconformities of density, setbacks, heights and parking requirements and further provided that the nonconformities which are incidental to those specified above and which can be eliminated at the time of rebuilding must also be eliminated. Reconstruction of building must not increase the degree of nonconformity. The construction of the replacement structure must begin within twenty-four months of the date of the natural event which caused the damage to the structure. (Ord. 1092 N.S., 1992; Ord. 559 N.S. § A (part), 1981)

18.58.060 Nonconforming lots.

- A. A nonconforming lot shall not be reduced in area or width.
- B. Any conforming use or conforming building or structure on a nonconforming lot or parcel may be enlarged, extended, reconstructed or relocated in compliance with other requirements of Division I of this title.
- C. A nonconforming lot to be used for residential purposes shall be subject to the density requirements of the zoning district in which it is located; provided, that a dwelling and customary accessory buildings may be erected on a nonconforming lot located in any district in which such dwelling is permitted if the yards on the lot meet the minimum requirements of the district.
- D. A nonconforming lot to be used for commercial or industrial purposes shall be subject to all the site development standards of the zoning district in which it is located, except for the standard relating to the existing nonconformity; provided, that the industrial and commercial performance standards established in Chapter 18.48 are also satisfied.
- E. Two or more contiguous nonconforming lots in a single ownership shall be considered to be a single lot, and no portion of any such single lot shall be divided in any manner which would diminish the degree of compliance with the site development standards of the district in which the combined lot or component lots are located.
- F. Any lot in a multifamily zoning district which is nonconforming as to area limitations may accommodate a multifamily dwelling, provided the resulting density is within five percent of the density restrictions applicable to the zoning district, and all other standards of the district are satisfied. (Ord. 681 N.S. § A, 1984; Ord. 559 N.S. § A (part), 1981)

18.58.070 Nonconforming uses--screening, fencing or landscaping.

- A. Any use which, at the time of its commencement, complied with the applicable requirements of Division I of this title as to screening, landscaping and fencing, but does not conform to the presently existing requirements of this division on such subjects, may be continued indefinitely, except as otherwise provided in this chapter, or in this division.
- B. Where there is a change of use from any use described in subsection A of this section, and the new use shall utilize existing building, structures and off-street parking and loading areas, no additional screening, fencing or landscaping shall be required as a condition of commencement of the new use.

C. Where an addition, enlargement or expansion of one or more buildings or structures on a lot devoted to a use described in subsection A of this section is proposed to an extent in excess of twenty-five percent of the floor area or market value of the existing building(s) or structure(s), the entire lot shall be brought into conformance with presently existing requirements of Division I of this title as to landscaping and screening of off-street parking areas. (Ord. 559 N.S. § A (part), 1981)

18.58.080 Nonconforming uses--Deemed conditional uses when.

Any nonconforming use which is designated pursuant to Division I of this title as a conditional use in the district wherein located shall be and remain a nonconforming use until a conditional use permit shall have been obtained pursuant to this chapter. (Ord. 559 N.S. § A (part), 1981)

18.58.090 Uses or structures affected by earthquakes.

Any nonconforming use or structure requiring demolition and reconstruction as a result of the earthquake of April 24, 1984, referred to in Section A of Ordinance 680 N.S., may continue without requiring additional on-site parking provided that no additional floor area results from the reconstruction. (Ord. 680 N.S. § B, 1984; Ord. 559 N.S. § A (part), 1981)

Chapter 18.60

VARIANCES

Sections:

- 18.60.010 Purpose of variances.
- 18.60.020 Limitations on variances.
- 18.60.030 Application for variance.
- 18.60.040 Findings prerequisite to grant.
- 18.60.050 Grant or denial--Authority--Appeals.
- 18.60.060 Revocation conditions.

18.60.010 Purpose of variances.

The purpose of the variance is to allow variation from the strict application of the terms of Division I of this title where, by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property, or by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties or would cause undue hardship. (Ord. 559 N.S. § A (part), 1981)

18.60.020 Limitations on variances.

In no case shall a variance be granted to permit a use other than a use permitted in that district or a use that is in violation of the provisions of the hazardous materials chapter of this code (Chapter 8.40), as existing or amended. (Ord. 847 N.S. § 5, 1987; Ord. 559 N.S. § A (part), 1981)

18.60.030 Application for variance.

Application for a variance shall be submitted by the property owner, or agent, to the community development department on a form prescribed for that purpose by the city. (Ord. 559 N.S. § A (part), 1981)

18.60.040 Findings prerequisite to grant.

The planning commission shall grant a variance only when the following conditions are found:

A. The variance granted shall be subject to such condition as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;

B. There are special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, which cause the strict application of this chapter to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;

C. The condition or situation of the specific piece of property, or the intended use of the property for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations. (Ord. 559 N.S. § A (part), 1981)

18.60.050 Grant or denial--Authority--Appeals.

The planning commission may grant or deny such variance, or may grant such variance subject to specific conditions. The applicant shall be notified in writing of the action taken. Such determination is effective ten days following the date of action, unless within such ten days an appeal is filed pursuant to Chapter 18.64 of this title. Any such appeal shall suspend the action of the planning commission, pending action thereon. No variance shall be granted on appeal unless the findings set forth in Section 18.60.040 have been made by the city council. (Ord. 559 N.S. § A (part), 1981)

18.60.060 Revocation conditions.

A. Variances may be revoked pursuant to this chapter. Proceedings to initiate the revocation of a variance may be initiated by the community development director by the filing of a written petition for the revocation of the variance with the planning commission. The planning commission may grant such revocation only if it finds that such conditions which were attached to the variance approval have not been complied with by the property owner and such compliance was essential to the mitigation of adverse impacts to adjoining properties.

B. Each petition for revocation of a variance shall be considered and acted upon following hearing by the planning commission. Each such hearing shall be held at a time and place to be determined by the granting authority, which shall transmit written notification of the time, date, place and subject of the hearing to the property owner not less than fifteen days prior to such hearing. Transmittal of written notification to the property owner shall be deemed to have been made at the time such notification is deposited in the mail. (Ord. 559 N.S. § A (part), 1981)

Chapter 18.62

AMENDMENTS

Sections:

- 18.62.010 Amendments to Division I of this title.
- 18.62.020 Application--Initiation.
- 18.62.030 Application--Material for submittal.
- 18.62.040 Application--Public hearing required.
- 18.62.050 Application--Planning commission action.
- 18.62.060 Recommended amendment--Submittal to city council.
- 18.62.070 Recommended amendment--Findings required.
- 18.62.080 Recommended amendment--Public hearing--Approval Conditions.
- 18.62.090 Denial of application--Effect.

18.62.010 Amendments to Division I of this title.

Division I of this title may be amended by changing the boundaries or by changing any other provision of this division whenever the public necessity, convenience and general welfare require such amendment. (Ord. 559 N.S. § A (part), 1981)

18.62.020 Application--Initiation.

Amendments may be initiated by the city council or the planning commission, or by an application of one or more owners of property affected by the proposed amendment. (Ord. 559 N.S. § A (part), 1981)

18.62.030 Application--Material for submittal.

An application by an individual for an amendment shall be accompanied by maps, drawings and data necessary to demonstrate that the proposed amendment is in general conformance with the General Plan and that public necessity, convenience and general welfare require the adoption of the proposed amendment. An accurate legal description and scale drawings of the land and existing buildings shall be submitted with the application. (Ord. 559 N.S. § A (part), 1981)

18.62.040 Application--Public hearing required.

Upon filing of an application pursuant to this chapter by any person, or upon initiation of an amendment by the city council, the community development director shall take appropriate steps to schedule and publish notice of a public hearing on the matter before the commission; and such hearing is to be held as soon thereafter as the necessary studies and report can be completed by the community development department and necessary legal notice of the hearing can be accomplished, and subject to any rules of the commission relating generally to scheduling of such hearings; provided, however, that in the event any rezoning applied for by a person is determined by the director of community development to be not in general conformance with the General Plan, or if such conformance is doubtful, the application shall be placed on the commission agenda without a public hearing having been called thereon. If the commission decides that any such rezoning would be in conformance with the General Plan, and if it deems it is in the public interest, the commission may call a public hearing thereon. (Ord. 559 N.S. § A (part), 1981)

18.62.050 Application--Planning commission action.

If at the conclusion of any hearing the commission decides to recommend amendment of Division I of this title, the recommendation shall be by motion carried by the affirmative votes of not less than a majority of the total members of the commission. No recommendation for amendment shall be made without a public hearing having been held thereon; provided, however, that notwithstanding any other provision of Division I of this title, the commission may, without having held a public hearing, recommend an amendment which does not change any property from one district to another, and which does not impose any regulation listed in Section 65800 of the California Government Code not theretofore imposed. No recommendation for amendment shall be made unless the commission finds that such proposed amendment is in general conformance with the General Plan and that the public necessity, convenience and general welfare require the adoption of the proposed amendment. (Ord. 559 N.S. § A (part), 1981)

18.62.060 Recommended amendment--Submittal to city council.

A copy of any recommended amendment which changes any property from one district to another, or imposes any regulation listed in Section 65800 of the California

Government Code not theretofore imposed, or removes or modifies any such regulations theretofore imposed, shall be submitted to the city council and shall be accompanied by a report of findings, summary of hearings, and recommendations of the planning commission. (Ord. 559 N.S. § A (part), 1981)

18.62.070 Recommended amendment--Findings required.

In order to amend Division I of this title, the city council shall find the following:

- A. That the proposed amendment is in general conformance with the General Plan;
- B. That the public necessity, convenience and general welfare require the adoption of the proposed amendment;
- C. The proposed amendment does not grant a change in land use from commercial or industrial to a residential land use for property incorporated into the urban service boundary after December 7, 1990 unless it can be determined, pursuant to the terms of Section 18.78.090 of the municipal code that the amount of undeveloped, residentially developable land on the same side of Monterey Road as the proposed amendment is insufficient to accommodate five years' worth of residential growth. (Ord. 1108 N.S. § 1, 1992; Ord. 559 N.S. § A (part), 1981)

18.62.080 Recommended amendment--Public hearing--Approval conditions.

A. The city council shall hold a public hearing before adopting any ordinance which amends Division I of this title by changing any property from one district to another, or by imposing any regulation listed in Section 65800 of the California Government Code not theretofore imposed, or by removing or modifying any such regulation theretofore imposed. Where a commission recommendation has such effect, the council shall not make a change in such proposed amendment until the proposed change has been referred to the commission for a report and a copy of the report has been filed with the council. Where a commission recommendation does not have such effect, the council may make changes in the proposed amendment without such a reference back to the commission. When a council-proposed change in any proposed amendment is referred back to the commission, the failure of the commission to report within forty days after the reference, or such longer period as may be designated by the council, shall be deemed to be approval of the proposed change.

B. When it deems it to be for the public interest, the council may initiate an ordinance amending Division I of this title. If the proposed amendment does not change any

property from one district to another, or impose any regulation listed in Section 65800 of the California Government Code not theretofore imposed, the ordinance may be adopted as other ordinances are adopted; but if the proposed ordinance has such effect, then the council shall refer it to the commission for report. If the commission has not held a public hearing on the proposed amendment, it shall do so before making its report. The failure of the commission to report within forty days after the reference, or such longer period as may be designated by the council, shall be deemed to be approval of the proposed amendment.

C. No provision in this chapter shall be deemed to affect the authority of the council to adopt any temporary interim zoning ordinance pursuant to Section 65806 of the California Government Code. (Ord. 559 N.S. § A (part), 1981)

18.62.090 Denial of application--Effect.

Whenever an application for an amendment of the text of this chapter or for rezoning of any property is denied, the application for such amendment or for rezoning of all or any portion of the property shall not be eligible for reconsideration for one year following such denial, except in the following cases:

- A. Upon initiation by the council or commission;
- B. When the new application, although involving all or part of the same property, is for a different zoning district than that previously applied for;
- C. When the previous application was denied for the reason that the proposed zoning would not conform with the General Plan, and the General Plan has subsequently been amended in a manner which will allow the proposed zoning. (Ord. 559 N.S. § A (part), 1981)

Chapter 18.64

APPEALS

Sections:

- 18.64.010 Purpose of appeals.
- 18.64.020 Appealable actions--To planning commission.
- 18.64.030 Appealable actions--To city council.
- 18.64.040 Filing procedure.
- 18.64.050 Notice of appeal--Time limit.
- 18.64.060 Notice of appeal--Contents.
- 18.64.070 Fee for appeals.
- 18.64.080 Hearing--Matters for consideration.
- 18.64.090 Hearing--Presentation of evidence.
- 18.64.100 Hearing--Determination.

18.64.010 Purpose of appeals.

The purpose of the appeal procedure is to provide a general method of recourse for persons aggrieved by or dissatisfied with any action by an administrative agency of the city in the administration or enforcement of any provision of Division I of this title. (Ord. 559 N.S. § A (part), 1981)

18.64.020 Appealable actions--To planning commission.

The following actions are appealable to the planning commission:

- A. Actions by the community development department on zoning permit processing;
- B. Actions by the community development department regarding the designation of certain properties as "sensitive sites," pursuant to Chapter 18.74 and the Design Review Ordinance. (Ord. 559 N.S. § A (part), 1981)

18.64.030 Appealable actions--To city council.

The following actions are appealable to the city council:

A. All actions of the planning commission, both as an appellate agency, and as an agency exercising original jurisdiction, including recommendations of denials of applications. (Ord. 559 N.S. § A (part), 1981)

18.64.040 Filing procedure.

Any person aggrieved by or dissatisfied with, or excepting to any action by an administrative agency as to which an appeal to the planning commission is authorized pursuant to Section 18.64.020 may appeal from such action by filing a written notice of appeal with the secretary of the planning commission, directed to the planning commission. Actions appealable to the city council shall require written notice to the city clerk. (Ord. 559 N.S. § A (part), 1981)

18.64.050 Notice of appeal--Time limit.

A. A notice of appeal of a direct subject appellant who is aggrieved by or dissatisfied with a decision on an application made by him or in his behalf, or with any action, order, requirement, decision or determination as to which he is a direct subject appellant, shall not be acted upon unless filed within ten days after service of written notice of such action appealed from; provided, that if such notice of action has not been served in writing, the appellant may, within ten days after being apprised of such action, demand service of written notice by first class mail or airmail, postage prepaid.

B. A notice of appeal of a third-party appellant who is not a direct subject of the actions from which the appeal is sought, shall not be acted upon unless filed within ten days of the action, denial, order, requirement, permit, decision or determination which is the subject of the appeal. (Ord. 559 N.S. § A (part), 1981)

18.64.060 Notice of appeal--Contents.

- A. The notice of appeal shall set forth:
1. The specific action appealed from;
 2. The specific grounds of the appeal; and

3. The relief or action sought from the planning commission or city council.

B. In the event any notice of appeal fails to set forth any information set forth by this section, the secretary of the planning commission or city clerk shall return the same to the appellant with a statement of the respects in which it is deficient, and the appellant shall thereafter be allowed five days in which to perfect and refile his notice of appeal. (Ord. 559 N.S. § A (part), 1981)

18.64.070 Fee for appeals.

A. Except where an appeal is filed by the city manager or any city councilmember in pursuance of official duties, the written notice of appeal shall be accompanied by a fee, as established by resolution of the city council.

B. If the notice of appeal is not accompanied by a fee, or if the amount paid is insufficient to constitute the appropriate fee, the secretary of the planning commission shall promptly notify the appellant of the deficiency, and shall advise him that the appeal shall not be considered unless and until the appropriate appeal fee has been paid. If a deficiency in payment of an appeal fee is not corrected within the time period prescribed in the notice, the right of appeal shall be terminated. (Ord. 855 N.S. § 1, 1988; Ord. 559 N.S. § A (part), 1981)

18.64.080 Hearing--Matters for consideration.

In any appeal hearing, consideration shall be limited to the evidence and matters presented in the first instance before the administrative agency whose action is the subject of the appeal; provided, however, that the planning commission may, by motion duly passed, elect in its discretion to grant a hearing de novo. (Ord. 559 N.S. § A (part), 1981)

18.64.090 Hearing--Presentation of evidence.

At the time of consideration of the appeal, the appellant shall be limited to a presentation of the specific grounds of appeal, and matters set forth in the notice of appeal, and shall have the burden of establishing cause why the action appealed from should be altered, reversed or modified. Where the notice of appeal was filed by a third-party appellant, the applicant shall have the right to present evidence in support of the action. (Ord. 559 N.S. § A (part), 1981)

18.64.100 Hearing--Determination.

The planning commission or city council may continue the matter from time to time and, at the conclusion of its consideration, may affirm, reverse or modify the action appealed from and may take any action which might have been taken in the first instance by the administrative agency from whose action the appeal has been taken; provided, however, that the planning commission or city council shall not grant an appeal of a denial of a variance unless it has first made the findings set forth in Chapter 18.60. (Ord. 559 N.S. § A (part), 1981)

Chapter 18.68

ENFORCEMENT

Sections:

- 18.68.010 Responsibility for enforcement.
- 18.68.020 Unlawful acts designated--Public nuisance.
- 18.68.030 Violation--Action by city attorney.

18.68.010 Responsibility for enforcement.

A. All departments, officials and public employees of the city vested with the duty or authority to issue permits, shall conform to the provisions of Division I of this title, and shall issue no permit, certificate or license for uses, buildings or purposes in conflict with the provisions of this chapter; and any such permit, certificate or license issued in conflict with the provisions of this chapter shall be null and void.

A. It shall be the duty of the building inspector of the city to enforce the provisions of Division I of this title pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure. (Ord. 559 N.S. § A (part), 1981)

18.68.020 Unlawful acts designated--Public nuisance.

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained, contrary to the provisions of Division I of this title, and any use of any land, building or premises established, conducted, operated or maintained contrary to the provisions of Division I of this title, shall be and is declared to be unlawful and a public nuisance. (Ord. 559 N.S. § A (part), 1981)

18.68.030 Violation--Action by city attorney.

The city attorney shall, upon order of the city council, immediately commence action or proceedings for the abatement and removal and enjoinder of any violation of this chapter, in the manner provided by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such

building or structure, and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building or structure, or using property, contrary to the provisions of Division I of this title. (Ord. 559 N.S. § A (part), 1981)

Division II. Land Use Regulations**Chapter 18.70****CEQA GUIDELINES****Sections:**

- 18.70.010 Guidelines document--Created--Title.
- 18.70.020 Guidelines document--Administrative uses.
- 18.70.030 Guidelines document--General contents.
- 18.70.040 Guidelines document--Regulations adopted by reference.
- 18.70.050 Delegation of responsibility.
- 18.70.060 Appeal--From necessity to file EIR.
- 18.70.070 Appeal--Decisions on negative declarations.
- 18.70.080 Appeal--Filing stays director's determination.
- 18.70.090 Length of review period.
- 18.70.100 Public agencies with special expertise or jurisdiction by law.
- 18.70.110 Forms.
- 18.70.120 Guidelines document--Compilation.
- 18.70.130 Guidelines document--Available to public.
- 18.70.140 Mitigation Monitoring

18.70.010 Guidelines document--Created--Title.

There is created a document known as the "City of Morgan Hill Guidelines for Evaluating Environmental Impacts and Reviewing Projects." (Ord. 673 N.S. § 1, 1984)

18.70.020 Guidelines document--Administrative uses.

The document referred to in Section 18.70.010 of this chapter shall be used by the city in administering its responsibilities under the California Environmental Quality Act. (Ord. 673 N.S. § 2, 1984)

18.70.030 Guidelines document—General contents.

The document referred to in Section 18.70.010 of this chapter shall include:

- A. The ordinance codified in this chapter and any amendments to it; and
- B. All documents incorporated by reference into this chapter. (Ord. 673 N.S. § 3, 1984)

18.70.040 Guidelines document—Regulations adopted by reference.

The document referred to in Section 18.70.010 of this chapter shall include the State CEQA Guidelines prescribed by the Secretary for Resources, state of California, in effect on January 1, 1993 and found in Sections 15000 et seq. of the California Administrative Code (hereinafter "Guidelines"), and these Guidelines are adopted and by this reference incorporated into this chapter as though fully set forth herein. (Ord. 1144 N.S. § 1, 1993; Ord. 673 N.S. § 4, 1984)

18.70.050 Delegation of responsibility.

The following delegation of responsibility is made pursuant to Section 15025 of the Guidelines. The director of the community development department shall be responsible for the following functions:

- A. Determining whether a project is exempt, ministerial or of no environmental effect;
- B. Conducting an initial study and deciding whether to prepare a draft EIR or negative declaration;
- C. Preparing a negative declaration or EIR;
- D. Determining that a negative declaration or other environmental document has been completed within a period as specified in the California Environmental Quality Act or its guidelines;
- E. Preparing responses to comments on environmental documents;
- F. Filing of notices;
- G. Approval of negative declarations for administrative project approvals that are not categorically exempt;
- H. Preparation of mitigations to negative declarations and the mitigation monitoring programs; and reviewing compliance with adopted mitigation monitoring programs after adoption of negative declarations;

I. Determination that a project is "de minimis" in its effect on fish and game resources of the State, and therefore that payment to the State Department of Fish and Game of fees for review of negative declarations or EIR's is unnecessary, where based upon evidence on file with the City pursuant to law;

J. Identification of bibliographic sources on which the findings of an Initial Study can be based, relative to geology, biology, traffic engineering and similar disciplines, to substantiate determinations of impacts or non-impacts;

K. Reviewing the work of consultants used in expanded initial studies and EIR's and making determinations that the work is adequate for submittal to the Planning Commission, and that such studies reflect the independent judgement of the City once modified with the director's final comments;

L. Pursuant to Section 15106 of the CEQA Guidelines, sending a Draft Environmental Impact Report to the State Clearinghouse for a period of 45 days, unless the Clearinghouse allows a shorter review period. (Ord. 1144 N.S. § 2; Ord. 1121, N.S. § 1, 1993; Ord. 673 N.S. § 5, 1984)

18.70.060 Appeal—From necessity to file EIR.

Any person may appeal to the city council the community development director's final determination that a project requires an environmental impact report. The appeal shall be in writing and shall be filed with the city clerk not later than the tenth day following the date upon which the notice of preparation was first posted or mailed to the applicant. (Ord. 673 N.S. § 6(a), 1984)

18.70.070 Appeal—Decisions on negative declarations.

A. Reconsideration. Any person may request reconsideration of the community development director's decision to prepare a negative declaration. The request shall be in writing and shall be filed with the community development director not later than the tenth day following the date upon which the notice of negative declaration was first posted or mailed to the applicant. The community development director shall schedule a hearing within twenty-one days after the date of filing of the request for reconsideration. The director shall cause notice of time, date and place of the hearing to be given not less than five days prior to the subject hearing to the requestor and applicant, and to any other person who requests such in writing. The

director shall advise the requestor and the applicant in writing of his decision. The decision reached by the director upon reconsideration shall be final.

B. **Appeal Following Reconsideration.** Any person may appeal to the city council the community development director's final decision that a project requires a negative declaration. The appeal shall be in writing and shall be filed with the city clerk not later than the tenth day following the date upon which the requestor and applicant are notified of the community development director's final decision on a request for reconsideration. (Ord. 673 N.S. § 6(b), 1984)

18.70.080 Appeal—Filing stays director's determination.

The filing of the appeal pursuant to Section 18.70.060 or subsection B of Section 18.70.070 shall stay the community development director's determination until a final decision is rendered by the city council, and the decision shall be rendered within forty-five days after the filing of the appeal with the city clerk. The city clerk shall cause notice of the time, date and place of the hearing to be given not less than five days prior to subject hearing to the appellant and applicant, if he is not the appellant, and to any other person who requests such in writing. In making its determination, the council shall be guided by the same criteria as the community development director must use in making his determination. The city clerk shall advise the appellant and the applicant, if he is not the appellant, in writing of the council's decision. (Ord. 673 N.S. § 6(c), 1984)

18.70.090 Length of review period.

The public review period referred to in Section 15087(c) of the Guidelines shall be forty-five days from the date of the notice, unless a shorter period of time is authorized by the State Clearinghouse. A period of up to an additional sixty days may be allowed when it is determined that the draft EIR is unusually complex or lengthy, and that the additional time is necessary to allow the public adequate time to review and comment upon the draft EIR. (Ord. 1144 N.S. § 3; Ord. 673 N.S. § 7, 1984)

18.70.100 Public agencies with special expertise or jurisdiction by law.

The following public agencies have jurisdiction by law and/or special expertise with respect to various projects and project locations (Section 15087(f), Guidelines).

Depending upon the specific project, some or all of the following agencies must be given the opportunity to review and comment upon the draft EIR:

- A. Santa Clara County, planning and public works;
- B. Local agency formation commission of Santa Clara County;
- C. California Department of Transportation (CalTrans);
- D. City of San Jose;
- E. Santa Clara Valley Water District;
- F. California State Regional Water Quality Control Board;
- G. California State Resources Agency (for projects of statewide concern).

(Ord. 673 N.S. § 8, 1984)

18.70.110 Forms.

In furtherance of the duties delegated to him in Section 18.70.050 of this chapter, the community development director shall develop and utilize forms substantially similar to those found in the appendices of the Guidelines. (Ord. 673 N.S. § 9, 1984)

18.70.120 Guidelines document—Compilation.

The community development director shall compile the elements of the document referred to in Section 18.70.010 of this chapter, and shall make the document available for sale to the general public for a reasonable fee. (Ord. 673 N.S. § 10, 1984)

18.70.130 Guidelines document—Available to public.

A copy of the document referred to in Section 18.70.010 of this chapter shall be maintained in the city clerk's office at all times, and shall be made available to the public upon request. (Ord. 673 N.S. § 11, 1984)

18.70.140 Mitigation Monitoring

A. The City shall maintain a program to monitor and implement mitigations of negative declarations, and Environmental Impact Reports administered by the community development director. Such mitigations may be included in any of the following:

1. Separate lists of mitigations in a negative declaration;
2. Conditions of any subdivision, use permit, variance, site review or other similar entitlement, which address environmental concerns.
3. Amendments to plot plans, subdivision maps or other visual exhibits, which eliminate any significant impact identified by the City through integration of mitigations into the design of the project as finally approved.

B. The monitoring program shall consist of the customary reviews by City departments for conformity of final plans and specifications with adopted requirements and mitigations. In exceptional circumstances, such as the approval of a unique and complex land use which produces measurable pollutants or other materials in need of mitigation, additional steps may be taken by the City to monitor mitigation of such impacts on an ongoing basis.

C. In the public interest, the community development director may accept reports and other forms of monitoring submitted by interested third parties, at no cost to the City, regarding the effectiveness of the mitigation measures which have been adopted. The community development director shall decide whether the reports or other monitoring submitted are accurate and provide a necessary supplement to the monitoring performed by the City, and may apply the submitted information to the monitoring program. (Ord. 1144 N.S. § 4, 1993)

Chapter 18.72

SCHOOL IMPACTION

Sections:

- 18.72.010 Findings of overcrowding--Notice to city.
- 18.72.020 Notice of findings--Contents.
- 18.72.030 Notice of findings--Public hearing--Expiration and renewal.
- 18.72.040 Mitigating measures--Submittal required.
- 18.72.050 Mitigating measures--Required when--Type.
- 18.72.060 Satisfaction of mitigating measures--Certification.
- 18.72.070 Mitigating measures--Annual report.
- 18.72.080 Prior agreements not affected.
- 18.72.090 Waiver of mitigation fees--Conditions.

18.72.010 Findings of overcrowding--Notice to city.

If at any time during the school year the board of education of the Morgan Hill Unified School District finds that overcrowding exists within the district which impairs the normal functioning of educational programs, and that all reasonable methods of mitigating conditions of overcrowding have been evaluated and no feasible method for reducing such conditions exists, the board of education of the Unified School District shall so notify the city council. (Ord. 581 N.S. (part), 1982)

18.72.020 Notice of findings--Contents.

The notice of findings shall be in the form of a resolution by the board of education of the Morgan Hill Unified School District specifying:

- A. The school or schools found to be overcrowded, including a map of the attendance area;
- B. The criteria used by the board of education to determine overcrowding;
- C. The various methods of mitigating conditions considered by the board of education, including:
 - 1. Temporary buildings,
 - 2. Busing,

3. Double sessions,
4. Extended day programs,
5. Year-round school attendance,
6. Open enrollment,
7. Attendance area realignment,
8. Elimination of low-priority uses at impacted schools. (Ord. 581 N.S. (part), 1982)

18.72.030 Notice of findings—Public hearing—Expiration and renewal.

A. The city council shall set a public hearing within thirty days of receipt of such notice of findings by the board of education of the Morgan Hill Unified School District. Following completion of the public hearing, the city council shall adopt a declaration of impaction if it concurs with the findings of the board of education that conditions of overcrowding exist.

B. "Conditions of overcrowding" means that the total enrollment of a school, including enrollment from proposed development, exceeds the capacity of such school, as determined by the board of education of the district.

C. The declaration of impaction automatically expires one year from date of adoption unless application for renewal is made by the board of education. Application for renewal shall be processed and acted upon in the same manner as the original notice of findings. (Ord. 581 N.S. (part), 1982)

18.72.040 Mitigating measures—Submittal required.

A. Together with its notice of findings, the board of education shall submit the range of mitigating measures available to an applicant for a building permit. The specific mitigating measures shall be based upon the following:

1. That any dedication of land or fees to be paid, or both, as determined by the board of education, shall bear a reasonable relationship and will be limited to the needs of the community for interim school facilities;

2. Shall be reasonably related and limited to the need for school facilities caused by the development.

B. Fees shall not exceed the amount necessary to pay five annual lease payments for the interim facilities.

C. Only the payment of fees may be required in subdivisions containing fifty parcels or less.

D. In lieu of fees, the builder of a residential development may, at his/her option and at his/her expense, provide interim facilities, owned or controlled by such builder, at the place designated by the school district, and at the conclusion of the fifth year, the builder shall, at the builder's expense, remove the interim facilities from such place. Facilities provided under this section shall:

1. Meet all the standards of safety, access, durability, aesthetics and usability required of other district facilities;
2. Conform with all building requirements of the district, city, county and state;
3. Be maintained by the builder pursuant to district standards;
4. Be insured to the level of insurance carried by the district, including liability, fire, allied perils, and vandalism;
5. Be energy-efficient;
6. Be provided within ninety days of request by the district;
7. Be removed within sixty days of a request by the district, with the site restored to its original condition. Further, the builder shall be responsible for all damages suffered by the district in the installation, operation and removal of such facilities. (Ord. 581 N.S. (part), 1982)

18.72.050 Mitigating measures—Required when—Type.

A. Upon the adoption of a declaration of impaction by the city council, all persons applying for a building permit to construct a new residential structure, or move a residential structure into the city, shall be required to dedicate land or pay an appropriate fee to mitigate any potential impact cause by such development. "Residential structure" shall include mobile homes.

B. Based upon the recommendations of the board of education and the criteria in Section 18.72.040, the city council shall adopt the mitigation measures to be applied and/or set the mitigation fee by resolution. (Ord. 581 N.S. (part), 1982)

18.72.060 Satisfaction of mitigating measures—Certification.

The responsibility for assuring that actions are taken to obtain compliance with the mitigation measures and/or collect mitigation fees shall be the responsibility of the

Morgan Hill Unified School District, in accordance with the provisions outlined within this chapter. The district shall issue to each developer, meeting his/her obligation of mitigation, a letter so stating. The city shall issue the building permit only upon receipt of a copy of the letter. (Ord. 581 N.S. (part), 1982)

18.72.070 Mitigating measures—Annual report.

Prior to August 1st of each year, the district shall submit to the city council a report indicating:

- A. The mitigation fee fund balance as of the close of the previous fiscal year, showing income from each jurisdiction;
- B. A listing of the facilities leased, purchased and constructed during the previous fiscal year;
- C. The identification of those attendance areas which are anticipated to be overcrowded at the beginning of the fall semester, and the anticipated date when the overcrowding will no longer exist. (Ord. 581 N.S. (part), 1982)

18.72.080 Prior agreements not affected.

The adoption of the ordinance codified in this chapter shall not be construed as to change any agreements currently in effect between a developer and the Morgan Hill Unified School District. (Ord. 581 N.S. (part), 1982)

18.72.090 Waiver of mitigation fees—Conditions.

- A. Any applicant for a building permit may request of the board of education of the Morgan Hill Unified School District that all or a portion of the fee be waived.
- B. Following a public hearing on the request for waiver, the board of education may, upon finding overriding economic or personal hardship, waive all or a portion of the mitigating fees, and so notify the city. (Ord. 581 N.S. (part), 1982)

Chapter 18.74

DESIGN REVIEW

Sections:

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- 18.74.010 Findings and policy.
- 18.74.020 Purpose of provisions.
- 18.74.030 Definitions.

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- 18.74.150 Community development director - Duties and responsibilities.
- 18.74.160 Applications for approval--Filing.
- 18.74.200 Plan review--Determination.
- 18.74.210 Environmental review.
- 18.74.220 Hearings--Notice requirements.
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- 18.74.240 Appeal from community development director decisions.
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- 18.74.430 Activities and locations.
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- 18.74.460 Transition from streets.
- 18.74.470 Elimination of barriers for the physically handicapped.
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- 18.74.490 Parking areas.
- 18.74.495 Canopies in commercial districts--Design guidelines.
- 18.74.500 Trash collection and other service areas.
- 18.74.505 Trash containers.
- 18.74.506 Retroactive effect--Commercial, industrial, theme unit development and planned unit development zoning districts.
- 18.74.507 Violation--Penalty.
- 18.74.510 Sensitive sites--Designated--Review required.
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- 18.74.560 Landscaping--Maintenance.
- 18.74.570 Landscaping--Compliance and enforcement.

Article I. General Provisions

18.74.010 Findings and policy.

The city council finds and declares:

A. That the city of Morgan Hill is a city with unique characteristics, ideal climatic conditions, spectacular natural ridgelines and vistas, and scenic natural features. It is these characteristics which attract a significant number of visitors to the city and enhance the quality of life of the residents;

B. That all of these factors constitute an important economic base for the city, for residents of the community, and visitors to the city;

C. That the appearance of buildings, structures and the land, as viewed from public streets, places and ways, has a material and substantial relationship to property values and the taxable value of property in the city;

D. That to protect the economic welfare of the community, it is the policy of the city to protect, maintain and enhance the social and economic values created by past and present investments in the community by requiring all future development to respect these traditions and require that all buildings and structures placed on the land to respect natural land forms and waterways, and become a compatible part of the total community environment, both in the local neighborhood and the city as a whole;

E. That such policy will be realized by the creation of appropriate standards and guidelines for the use of persons planning future developments, and the establishment of an administrative review process to advise and assist both private parties and the city in applying such standards, and to review all proposals for future developments to assure conformance with the policy. (Ord. 1111 N.S. § 28, 1992; Ord. 528 N.S. § A (part), 1980)

18.74.020 Purpose of provisions.

The purpose of this chapter is to:

A. Recognize the interdependence of land values and aesthetics, and to provide a method by which the city may implement this interdependence to the community's benefit;

B. Preserve and enhance the beauty and environmental amenities of the city by:

1. Preserving and enhancing the natural beauties of the land and man-made environment, and the enjoyment thereof,

2. Maintaining and improving the qualities of and relationships between individual buildings, structures and physical development in such a manner as to best contribute to the amenities and attractiveness of the city,

3. Protecting and insuring the adequacy and usefulness of public and private developments as they relate to each other and the neighborhood area;

C. Promote and protect the safety, convenience, comfort, prosperity and general welfare of the citizens of the city by:

1. Stimulating creative design for individual buildings and structures, and other physical improvements,

2. Encouraging the innovative use of materials, methods and techniques,

3. Preserving balance and harmony within neighborhoods,

4. Integrating the functions, appearance and locations of buildings and improvements so as to best achieve a balance between private prerogatives and preferences and the public interest and welfare. (Ord. 528 N.S. § A (part), 1980)

18.74.030 Definitions.

As used in this chapter:

A. "City" means the city of Morgan Hill.

B. "City council" means the city council of the city of Morgan Hill.

C. "Community development director" means the community development director of the city, the planning officer responsible for administering all planning and zoning ordinances within the city.

D. "Development review committee (DRC)" means the staff reviewing body of the city, acting as a technical review committee advisory to the community development director, the planning commission and the city council.

E. "Downtown design plan" means the physical development plan for the downtown area of the city, adopted by the city council.

F. "General Plan" means the general plan of the city.

G. "Landscape maintenance agreement" means a written, signed agreement between the titled owner of record or his authorized agent and the city, insuring maintenance of landscaping for a minimum time period of one year, pertaining to a development project approved by either the planning commission, city council, or community development director. The agreement shall be accompanied by a landscape maintenance bond and must be signed by authorized agents representing the city and the titled owner of record for the property in question prior to issuance of a certificate of occupancy by the building official of the city.

H. 1. "Landscape maintenance bond" means a performance bond paid by the title owner of record or his authorized agent acting as applicant for a development project approved by the city, issued to the community development department in an amount equal to one hundred percent of the value of landscaping and irrigation systems for the development project. This landscape maintenance bond shall be retained by the city for a period of two years to insure maintenance of landscaping during the first two years after planting.

2. A maintenance bond shall not be required for commercial, industrial or residential projects where a property owners' association is established to assure that landscape maintenance of common areas is satisfactorily accomplished.

I. "Planning commission" means the planning commission of the city.

J. "Sensitive sites" means land areas within the incorporated limits of the city which have the characteristics defined in Section 18.74.510 of this chapter. (Ord. 1111 N.S. § 29, 1992; Ord. 980 N.S. § 3 (part), 1990; Ord. 633 N.S. § A, 1983; Ord. 597A N.S. § A, 1983; Ord. 528 N.S. § A (part), 1980)

Article II. Administration

18.74.150 Community development director - Duties and Responsibilities

A. Except as otherwise provided in this code, the community development director or his authorized representative shall review the following:

1. Plans for all structures and physical improvements and for any relocation, addition, or extension to or exterior changes of or to existing buildings, structures and other physical improvements to property before building permit or other permit authorizing construction, alteration, relocation, addition or extension under the ordinances of the city. This requirement may be waived if the community development director certifies that the nature of work is minor or incidental or need not be reviewed by the development review committee;

2. All city projects, including but not limited to municipal buildings, and park and open spaces;

B. Exceptions. Single-family dwellings or duplexes shall not be subject to review unless (1) architectural and site review is required as a condition of other entitlement; or (2) the community development director determines the site is sensitive as set forth in Section 18.74.510 of the Municipal Code. (Ord. 1111 N.S. § 31, 1992)

18.74.160 Applications for approval--Filing.

A. All applicants for architectural and site review approval shall file all necessary plans, application forms and fees with the community development department. (Ord. 1111 N.S. § 32, 1992; Ord. 899 N.S. § 2 (part), 1989; Ord. 528 N.S. § A (part), 1980)

18.74.200 Plan review--Determination.

All architectural and site review applications shall be reviewed by the city's development review committee (DRC), and submitted to the community development director for action. All actions of the community development director shall be final, unless appealed according to Section 18.74.240. Upon appeal, further action by the city planning commission and city council shall be required pursuant to the zoning ordinance of the city. (Ord. 1111 N.S. § 34, 1992; Ord. 528 N.S. § A (part), 1980)

18.74.210 Environmental review.

All site and architectural review applications which require either a negative declaration or environmental impact report, shall be certified as to their environmental status by the final approving authority under Resolution No. 1439, the Morgan Hill Environmental Guidelines, prior to project approval. (Ord. 1111 N.S. § 35, 1992; Ord. 528 N.S. § A (part), 1980)

18.74.220 Hearings--Notice requirements.

Notice of applications pending before the community development director shall be provided in the manner prescribed in Government Code Sections 65090 and 65091. (Ord. 1111 N.S. § 36, 1992; Ord. 899 N.S. § 2 (part), 1989; Ord. 528 N.S. § A (part), 1980)

18.74.230 Action by community development director.

Upon reviewing the matters submitted, the community development director shall decide whether or not the proposed structures and improvements meet the requirements of this chapter, and shall make findings supporting his decision. In approving an application, the community development director may impose any reasonable conditions to ensure compliance. All actions of the community development director shall be final, unless appealed under Section 18.74.240. (Ord. 1111 N.S. § 37, 1992; Ord. 528 N.S. § A (part), 1980)

18.74.240 Appeal from community development director decisions.

In the event that the applicant, any interested person or the city is aggrieved by the decision of the community development director, the aggrieved party may, within ten days of receiving written notification of the director's action, appeal in writing to the planning commission. Notice of appeal shall be in the manner prescribed in Sections 18.64.060--18.64.100 of this title. The planning commission shall either affirm, modify or reverse the decision of the community development director following the filing of such appeal. Action by the planning commission shall be final, unless there is a further appeal to the city council, in which case, the city council action shall be final. (Ord. 1111 N.S. § 38, 1992; Ord. 899 N.S. § 28, 1989; Ord. 855 N.S. § 2, 1988; Ord. 528 N.S. § A (part), 1980)

18.74.250 Expiration of approval--Extensions.

If the applicant has not obtained a building permit, architectural and site review approvals shall automatically expire after one year from the date of approval unless a different date of approval is stipulated at the time of approval. Prior to the expiration of an architectural review approval, the applicant may apply to the community development director for an extension of one year from the original date of expiration. The director may grant the extension in writing, and may require minor modifications of the approved design at the time of extension, if he finds that there has been no substantial change in the factual circumstances surrounding the originally approved design. Further extensions beyond one year may be granted by the community development director in accordance with the procedures described above. (Ord. 1111 N.S. § 39, 1992; Ord. 528 N.S. § A (part), 1980)

18.74.260 Revocation of approval.

Upon recommendation of the community development director, the planning commission may, after a public hearing, with notice to the permittee, revoke any approval given pursuant to this chapter for noncompliance with any of the conditions imposed by the community development director, the planning commission, or city council upon such approval. Written notice of intent to revoke approval shall be mailed to the permittee ten days prior to the public hearing. Revocation by the planning commission is appealable to the city council, pursuant to the procedures outlined in Section 18.74.240 of this chapter. (Ord. 1111 N.S. § 40 (part), 1992; Ord. 528 N.S. § A (part), 1980)

Article III. Design Review Guidelines

18.74.270 Architectural Review Handbook.

The community development department shall maintain an Architectural Review Handbook setting forth standards and guidelines for the use of persons planning future developments subject to architectural and site review. Design standards shall include guidelines for site planning, landscape design and maintenance, architecture, and signs. Policies of the General Plan shall be incorporated into the handbook. Periodic revisions to the handbook shall be conducted by the planning commission and development review committee (DRC) in order to respond to aesthetic and environmental concerns of the community. (Ord. 1111 N.S. § 41, 1992; Ord. 528 N.S. § A (part), 1980)

18.74.280 Criteria for consideration.

- A. The design of the project should be compatible with the immediate environment of the site, including the streetscape. In the downtown design plan study area, standards of the downtown design plan shall also apply to the project under review.
- B. The design of the project should produce harmonious transition in both scale and character between adjacent land uses.
- C. Access to the property and circulation thereon should be safe and convenient for pedestrians, cyclists and vehicles.
- D. The amount and arrangement of open space and landscaping should be appropriate to the design and function of the structure.
- E. Sensitive areas, as defined in Section 18.74.510 of this chapter, shall be designed with respect to notable features of the project site.
- F. The project should protect and enhance buildings that have historic and cultural value by virtue of their architectural character, historic association, or age.
- G. Energy efficiency shall be respected in all site, building and architectural design.
- H. Material, textures, colors and details of construction should be an appropriate expression of the design concept and function, and the same should be compatible with the adjacent and neighboring structures and functions.
- I. Landscaping should be compatible with and complement site planning, as well as the design of the building.

J. Vertical and horizontal sightlines should be sufficient to ensure safe vehicular as well as pedestrian movement. (Ord. 1111 N.S. § 42, 1992; Ord. 528 N.S. § A (part), 1980)

18.74.290 Architectural standards generally.

Architectural standards shall be as set out in Sections 18.74.300 through 18.74.400 of this chapter. (Ord. 528 N.S. § A (part), 1980)

18.74.300 Harmony of design.

Different structures and parts of structures should go well together. New and old construction should harmonize architectural styles, features, colors and materials. (Ord. 528 N.S. § A (part), 1980)

18.74.310 Design theme.

Architectural themes chosen for buildings, shopping districts, industrial parks, the downtown area, entrances to the city, theme unit development zoning districts, or other identifiable districts of the city shall be implemented through well-developed and articulated physical features. Examples of these features are: Corridors, posts, beams, arches, columns, colonnades, canopies, cornices, balconies, ornamental tiles, recesses, overhangs, exterior wall materials, graphics, window statement, fountains, landscaping, and other artistic features. (Ord. 528 N.S. § A (part), 1980)

18.74.320 Mechanical equipment and utilities.

All roof-mounted mechanical equipment or ductwork which projects vertically above the roof or parapet is to be screened by an enclosure which is detailed consistently with the building design. Solar heating equipment and satellite dish antennas need not be screened, but must be located on the roof or in a rear or side setback area and must be as unobtrusive as possible. No mechanical equipment, including utility meters, are to be exposed on the front wall surface of a building. Such equipment shall be located on the side or rear wall surfaces. Compressors shall be screened by a wall, a fence or landscape materials, and be

located below the fascia and/or roofline of the buildings. Further, they shall be located on the rear or hidden side of the building and shall be painted to match the surface to which attached, if the surface is visible. (Ord. 980 N.S. § 3 (part), 1990: Ord. 528 N.S. § A (part), 1980)

18.74.330 Energy conservation.

Buildings should be designed to minimize mechanical heating and cooling. Sunlight should be used for direct heating and illumination wherever possible. Natural ventilation and shading should be used to cool a building. Active and passive solar heating is encouraged. (Ord. 528 N.S. § A (part), 1980)

18.74.340 Wall treatment.

All exterior wall elevations visible from and/or facing streets are to have architectural treatment. No building surface fronting on a street shall have a flat, void surface without architectural treatment. (Ord. 528 N.S. § A (part), 1980)

18.74.350 Doors and windows.

All windows and doors on all exterior wall elevations of buildings visible from and/or facing public streets shall be treated architecturally to provide texture, articulation and color, and to prevent glare. Second story windows on side elevations of residential dwellings shall be located so as not to align with windows on adjacent buildings. (Ord. 1045 N.S. § 5, 1991: Ord. 528 N.S. § A (part), 1980)

18.74.360 Gutters and downspouts.

Gutters and downspouts are to be painted to match the surface to which attached, unless used as a major design element, in which case the color is to be consistent with the color scheme of the building. (Ord. 528 N.S. § A (part), 1980)

18.74.370 Lighting.

A. The design of parking lot lighting fixtures shall be compatible with the architecture to be used in the proposed development.

B. Walkway light fixtures shall not exceed a height of twelve feet, and their placement shall be consistent with the overall design concept.

C. Security lighting fixtures are not to project above the facia or roofline of the building, and are to be shielded. The shield shall be painted to match the surface to which it is attached. Security lighting fixtures are not to be substituted for parking lot or walkway lighting fixtures.

D. All lighting shall be shielded so as not to produce harmful effects upon neighboring property. (Ord. 528 N.S. § A (part), 1980)

18.74.380 Pedestrian concerns.

At street levels, structures should be sensitive to the pedestrian, making him comfortable when he walks past, by including planters, fountains, and seating areas along the sidewalk. (Ord. 528 N.S. § A (part), 1980)

18.74.390 Storage areas.

All outdoor storage for goods, materials, commercial vehicles or equipment shall be visually screened. Such screening shall form a complete opaque screen up to eight feet in vertical height. (Ord. 528 N.S. § A (part), 1980)

18.74.400 Refuse collection areas.

All outdoor refuse collection areas shall be screened by a complete opaque screen. (Ord. 528 N.S. § A (part), 1980)

18.74.410 Site planning standards generally.

Site planning standards shall be as set out in Sections 18.74.420 through 18.74.500. (Ord. 528 N.S. § A (part), 1980)

18.74.420 Suitability to site conditions.

The structure should be planned to fit a site's natural conditions, rather than alter a site to accommodate a stock building plan. Existing topography should be preserved to make the project more attractive or functional. The developer can modify topography where it contributes to good appearance, but natural grade and vegetation should be retained if possible. Excessive cuts and fills should be avoided. (Ord. 528 N.S. § A (part), 1980)

18.74.430 Activities and locations.

A site's various activities and elements should be logically located, so the project operates efficiently. Pedestrian and vehicular routes should be separated. Loading and service areas should be separated from customer parking and traffic areas. (Ord. 528 N.S. § A (part), 1980)

18.74.440 Grading and drainage.

Grading and drainage plans illustrating existing topography, proposed cuts and fills, sedimentation and erosion-control measures and structures, the direction of all site drainage, and all structural drainage facilities, shall be submitted as a part of architectural and site review. On-site stormwater retention ponds shall be required where permanent storm-drainage facilities are not available. All stormwater retention ponds shall be landscaped and fenced, where required by the city engineer. Permanent stormwater drainage facilities shall be used to transmit stormwater whenever possible. (Ord. 528 N.S. § A (part), 1980)

18.74.450 Energy conservation.

Solar access shall be planned into the site design where possible. Solar access easements shall be reserved where appropriate. Climatic factors such as prevailing winds, shade trees, window and door orientation, and the positioning of buildings on the site shall all be coordinated to maximize energy conservation. (Ord. 528 N.S. § A (part), 1980)

18.74.460 Transition from streets.

From the street to the project there should be a pleasing transition that provides for adequate landscaping, walkways, and parking. (Ord. 528 N.S. § A (part), 1980)

18.74.470 Elimination of barriers for the physically handicapped.

State laws require that all facilities which are open to the public must be accessible to and usable by the physically handicapped. Plans for construction of new public facilities and remodeling of existing facilities shall incorporate both architectural barrier removal and physical building design and parking area features insuring accessibility to the physically handicapped. (Ord. 528 N.S. § A (part), 1980)

18.74.480 Traffic circulation.

Circulation should provide for safe and efficient traffic movement. Adequate auto stack-up areas should permit a minimum of two cars to enter the parking lot area without obstructing either street through traffic or vehicle backup areas within the parking lot. The number of curbcuts connecting the site with collector or arterial streets should be minimized. Traffic circulation between the site and adjacent lots shall be coordinated. Mutual access easements and mutual driveways should be used to minimize paved areas and curbcuts. (Ord. 528 N.S. § A (part), 1980)

18.74.490 Parking areas.

Parking areas should be screened from public ways, and divided with landscaping, buildings, walls, fences, berms, or other means. In large parking lots, islands of trees shall be incorporated into the design. All landscape and design features of Chapter 18.50 of this title shall apply to all projects. (Ord. 528 N.S. § A (part), 1980)

18.74.495 Canopies in commercial districts--Design guidelines.*

Proposed canopies shall be reviewed and approved by the city's community development director prior to installation. Such approval shall be granted if the following findings can be made:

- A. Pedestrian safety is not adversely affected;
- B. The canopy is not sight-obscuring;
- C. The design is compatible with the architectural style of the structures on the property and adjacent sites; and
- D. The canopy complies with the Uniform Building Code. (Ord. 1111 N.S. § 43, 1992; Ord. 829 N.S. § 3, 1987)

*Editor's note: See also Title 18 of this code, zoning, Section 18.56.060E, projections into required yards.

18.74.500 Trash collection and other service areas.

Trash containers and service and loading docks should be conveniently located and sized, but must not interfere with other circulation or parking on the site. Trash containers should be located away from public streets and store entrances, and should be completely screened with material similar to or compatible with buildings located on the same site. Enclosures must be durable in order to withstand abusive wear. (Ord. 528 N.S. § A (part), 1980)

18.74.505 Trash containers.

All land and buildings shall be serviced by and provided with an adequate number of trash receptacles and trash enclosures to meet the needs of the users and occupants of the property. Such enclosures shall be designed and located in a manner consistent with the city's Design Review Ordinance and Architectural Review Handbook. If, because of a change of occupancy or a change in the nature or size of a business use, the existing trash receptacles are inadequate in number to serve the property users and occupant's needs, additional receptacles and enclosures shall be provided. The property owner shall be notified of the city planning commission's intent to require additional trash enclosures or receptacles or to increase the frequency of trash collection. The commission shall take such action as necessary after the property owner has been given an opportunity to address the commission at a public meeting. (Ord. 1111 N.S. § 44, 1992; Ord. 941 N.S. § 5, 1989)

18.74.506 Retroactive effect--Commercial, industrial, theme unit development and planned unit development zoning districts.

It is the intent that because of the public nuisance created by accumulations of trash outside of trash enclosures that, whenever such a condition is found to exist on properties subject to the requirements of Section 18.48.160, that compliance with the requirements of that section shall be required. (Ord. 980 N.S. § 3 (part), 1990)

18.74.507 Violation--Penalty.

Violation of the provisions of Section 18.74.505 constitute an infraction punishable in accordance with the provisions of Section 1.24.010 and 1.24.020 of this code. (Ord. 980 N.S. § 3 (part), 1990; Ord. 941 N.S. § 7, 1989)

18.74.510 Sensitive sites--Designated--Review required.

- A. The community development director is empowered to require architectural and site review on certain sensitive sites, where review normally would not be required.
- B. A site shall be considered sensitive when:
 - 1. It involves a notable feature such as a lake, shore, hillside, ridgeline, watercourse, major drainage way or floodplain;
 - 2. It is near a structure or site of historic or cultural significance or special architectural character;
 - 3. The project and projects like it, taken together, could have a negative aesthetic impact upon the neighborhood;
 - 4. The site is visible from public buildings, major streets, and similar public gathering places;
 - 5. It is defined as a nonconforming or substandard lot by city ordinance;
 - 6. An existing structure is to be moved to the site.
- C. Design standards, as found in Article III of this chapter, shall apply to sensitive sites, as defined in this section. The community development director may require reasonable conditions to the project in order to mitigate potential problems typical to the site's area of sensitivity.

D. The decision of the community development director to designate a site as sensitive may be appealed to the planning commission under Section 18.74.240 of this chapter. (Ord. 1111 N.S. § 45, 1992; Ord. 528 N.S. § A (part), 1980)

18.74.520 Landscaping--Standards generally.

Landscape standards for design and maintenance shall be as set out in Sections 18.74.530 through 18.74.570. (Ord. 528 N.S. § A (part), 1980)

18.74.530 Landscaping--Required when--Materials.

A. Except as otherwise provided by standards adopted by the director of community development authorizing delays because of water shortages, when property is undeveloped at the time landscaping requirements are imposed upon the property, landscaped yards and areas shall be provided and maintained at the time a main building is constructed and occupied by any use requiring a building is constructed and occupied by any use requiring a building, or when any open use other than agricultural occurs on the property. All unpaved areas shall be landscaped with ground cover and/or shrub plant material, and undeveloped areas proposed for future expansion shall be landscaped with appropriate ornamentals, to include ground cover, shrubs and/or trees.

B. No artificial or nonliving materials may be used in place of vegetation. All required landscaping is vegetation except for fences, walls, fountains, lighting, sculpture, ornamental paving and similar items.

C. Where a specific height of planting is required, such landscaping shall be within two feet of the prescribed height at the time of planting if the prescribed height is five feet or more, and shall be within one foot of the prescribed height at the time of planting if the prescribed height is less than five feet. An earthen berm or mound not taller than two feet may count toward required heights of landscaping and screening. All heights are measured above the ground level at the point the landscaping will be planted.

D. All trees planted adjacent to a street shall be of a minimum fifteen-gallon size; all others shall be a minimum five-gallon size.

E. All plants shall be planted with spacings and locations, given the plant types and characters, type of soil, availability of or likelihood of watering regularity and similar considerations, so that the plantings will achieve their purpose within a reasonable time. (Ord. 920 N.S., 1989; Ord. 528 N.S. § A (part), 1980)

18.74.540 Screening, fences and walls.

A. Landscaping, when required as a screening device, shall be of a type which provides a year-round barrier, and shall be of trees and shrubs spaced so that any view of objects on the opposite side is effectively eliminated. A fence or wall, when required as a screening device, shall be of solid wood or masonry so constructed as to effectively eliminate any view of objects on the opposite side below the maximum height of the required fence or wall; if a grill is installed, it may be built with a uniform screen or with an openwork design. Fences and walls shall be landscaped and modulated to provide visual relief to continuous wall or fence surfaces.

B. Whenever two or more types of landscaping or screening are prescribed, they may be provided singularly or in any combination on the landscaping plan.

C. All shrubs used for screening purposes shall be of a minimum five-gallon size.

D. Areas utilized for parking, storage or loading shall be screened, modulated or integrated from view of access streets, freeways, or adjacent properties. This may be accomplished by employing one or all of the following techniques:

1. Trees shall be planted adjacent to structures on-site, one tree for each thirty linear feet of the combined length of the rear and both side wall dimensions of the structure. Minimum size shall be five-gallon material.

2. Major-scale trees may be linear or en masse. This method requires use of trees that will ultimately provide foliage that is visible above the roofline from within the total site.

3. Linear or group masses of small-scale trees; this method requires use of trees that will ultimately provide foliage or shade pattern on either horizontal or vertical planes. (Ord. 899 N.S. § 2 (part), 1989; Ord. 528 N.S. § A (part), 1980)

18.74.550 Parking area landscaping.

A. Every parcel of land used for the parking or loading of motor vehicles, or motor vehicle sales, shall be improved and maintained with landscaping as required in this section.

B. Where a parking area is across the street from a residential district, or adjoins an abutting residential district on the same side of the street, there shall be a landscaped area twenty feet wide between the parking area and the front property line.

C. The interior of any parking area shall be landscaped, with planter areas measuring a minimum five feet in width, minimum inside dimension, at both ends of each

row of spaces, with the planter area length to be equal to adjoining parking spaces. Such a planter area shall contain at least one tree with surrounding ground cover or shrubs, or both. There shall be an additional planter area adjoining each tenth parking space in each row of parking spaces, except that when there are more than fourteen and less than twenty spaces, the additional planter shall be centered in the row. Where front-to-front parking spaces are provided, required planter areas shall be aligned to form a continuous planter area.

D. The minimum number of trees to be provided in any parking area shall be one for each four parking stalls. The minimum size of tree, when planted, shall be five gallons.

E. Required landscape areas next to parking spaces or driveways shall be protected by a minimum six-inch-high continuous concrete border or curb wall.

F. All general city rules relating to the nature, content or maintenance of landscaping shall apply to landscaping required or provided with a parking or loading area. The community development director may approve the deviation from the rules relating to location of planter areas within parking lots if the lot configuration causes a hardship or unsafe condition. He may approve a deviation not exceeding fifty percent in the size of any required area, provided another landscape area is provided or increased to equally compensate for the loss. (Ord. 899 N.S. § 10, 1989; Ord. 528 N.S. § A (part), 1980)

18.74.560 Landscaping--Maintenance.

A. All vegetation shall be provided with an adequate, permanent and nearby source of water which shall be provided by installed on-site water sprinklers or flood irrigation system.

B. All vegetation shall be maintained free of physical damage or injury from lack of water, excess chemical fertilizer or other toxic chemical, blight or disease, and such vegetation of those that show signs of such damage or injury at any time shall be replaced by the same, similar or substitute vegetation of a size, form and character, which will be comparable at full growth.

C. Landscaping shall be kept free from weeds and undesirable grasses.

D. The community development director shall, as a condition of approval of any landscaping or landscaping area, require the execution of a landscape maintenance agreement for the maintenance of any or all landscaping on a building site. A maintenance agreement shall not be required for any landscaping or landscape area which is maintained by a homeowners association. (Ord. 1111 N.S. § 46, 1992; Ord. 528 N.S. § A (part), 1980)

18.74.570 Landscaping--Compliance and enforcement.

A. Whenever any person neglects to conform to landscape requirements on a site plan, the community development director may require, upon thirty days' written notice, such compliance. The person may, within such time, appeal the director's decision to the planning commission under Section 18.74.240 of this chapter.

B. In the event noncompliance continues thereafter, the director may cause work to be done and plantings to be made to bring the landscaping or area into compliance. The method of reimbursement for such work shall be stated in the landscape maintenance agreement signed by the permittee and may include forfeiture of a landscape maintenance bond of a specified sum related to one hundred percent of the cost of landscape improvements.

C. Definitions.

1. "Building or structure" means areas of properties which are required to be landscaped, including landscaping therein.

2. "Repair and demolition fund" means whatever fund supplies the moneys to pay for the carrying out of the landscaping work under this section.

3. "Repair," "repairing," "demolish," "demolishing," or "work of repair or demolition" means the work of preparing the property for plantings and making plantings, including all necessary and proper acts to landscape the property and repair, or replace, or maintain any present landscaping. (Ord. 1111 N.S. § 47, 1992; Ord. 528 N.S. § A (part), 1980)

Chapter 18.75

CULTURAL RESOURCES PRESERVATION

Sections:

- 18.75.010 Purpose.
- 18.75.020 Area of application.
- 18.75.030 Definitions.
- 18.75.050 Cultural resources designation--Planning commission review required.
- 18.75.060 Cultural resources designation--Criteria.
- 18.75.065 Cultural resources alteration--Review required.
- 18.75.070 Cultural resources alteration--Administrative review procedures.
- 18.75.075 Cultural resource alteration--Criteria.
- 18.75.077 Demolitions or removal of cultural resources--Planning commission approval required.
- 18.75.080 Appeals.
- 18.75.090 Ordinary maintenance and repair.
- 18.75.100 Duty to keep in good repair.
- 18.75.110 Enforcement and penalties.

18.75.010 Purpose.

The purpose of this chapter is to promote the public health, safety and general welfare by providing for the identification, protection, enhancement, perpetuation, and use of improvements, buildings, structures, signs, objects, features, sites, places and areas within the city that reflect special elements of the city's architectural, artistic, cultural, engineering, aesthetic, historical, political, social and other heritage for the following reasons:

- A. To safeguard the heritage of the city as embodied and reflected in such resources;
- B. To encourage public knowledge, understanding and appreciation of the city's past;
- C. To foster civic and neighborhood pride and a sense of identity based on the recognition and use of cultural resources;
- D. To promote the enjoyment and use of cultural resources appropriate for the education and recreation of the people of the city;

E. To preserve existing architectural styles and design preferences reflecting phases of the city's history and to encourage complementary contemporary design and construction;

F. To enhance property values and to increase economic and financial benefits to the city and its inhabitants;

G. To protect and enhance the city's attraction to tourists and visitors (thereby stimulating business and industry);

H. To identify as early as possible and resolve conflicts between the preservation of the cultural resources and alternative land uses;

I. To integrate the preservation of cultural resources and the extraction of relevant data from such resources into public and private land management and development processes;

J. To conserve and recycle valuable community resources by continuing use and maintenance of the existing built environment. (Ord. 859 N.S. § 1 (part), 1988)

18.75.020 Area of application.

This chapter shall apply to all cultural resources within the city. (Ord. 859 N.S. § 1 (part), 1988)

18.75.030 Definitions.

As used in this chapter:

A. "Alteration" means any exterior change or modification, through public or private action, of any cultural resource or of any property located within an historic district including, but not limited to, exterior changes to or modification of structure, architectural details or visual characteristics such as paint color and surface texture, grading, surface paving, new structures, cutting or removal of trees and other natural features, disturbance of archeological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property.

B. "Cultural resources" means improvements, buildings, structures, signs, features, sites, places, areas or other objects of scientific, aesthetic, educational, cultural, architectural or historical significance to the citizens of the city.

C. "Exterior architectural feature" means the architectural elements embodying style, design, general arrangement and components of all of the outer surface of an improvement including, but not limited to, the kind, color and texture of the building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvements.

D. "Historic district" means any area containing improvements which have a special character, historical interest or aesthetic value or which represent one or more architectural periods or styles typical to the history of the city, and which improvements constitute a distinct section of the city that has been designated an historic district pursuant to this chapter.

E. "Improvements" means any building, structure, place, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment of real property, or any part of such betterment.

F. "Designated structure" (landmark, cultural resource, historic structure) means any improvement that has special historical, cultural, aesthetic or architectural character, interest or value as part of the development, heritage or history of the city, the state or the nation and that has been designated pursuant to this chapter.

G. "Designated site" (historic site, cultural resource, site, landmark site) means a parcel or part thereof on which a cultural resource is situated, and any abutting parcel or part thereof constituting part of the premises, on which the cultural resource is situated, and which has been designated a designated site pursuant to this chapter.

H. "Object" means a material thing of functional, aesthetic, cultural, symbolic or scientific value, usually by design or nature movable.

I. "Preservation" means the identification, study, protection, restoration, rehabilitation or enhancement of cultural resources.

J. "Good repair" means to preserve against decay and deterioration; to reduce the incidence of demolition by neglect. (Ord. 970 N.S. § 4, 1990; Ord. 859 N.S. § 1 (part), 1988)

18.75.050 Cultural resources designation--Planning commission review required.

Cultural resources and historic districts shall be established by the planning commission in the following manner:

A. Any person may request the designation of an improvement as a cultural resource or the designation of a historic district by submitting an application of such designation to the commission. The planning commission or city council may also initiate such proceedings on their own motion.

B. The planning commission may conduct a study of the proposed designation and make a preliminary determination based on such documentation as it may require as to its appropriateness for consideration. If the planning commission determines that the application merits consideration, but only if it so determines, it shall schedule a public hearing with due speed.

C. No building, alteration, demolition or removal permits for any improvement, building or structure within the proposed cultural resource shall be issued while the public hearing or any appeal related thereto is pending.

D. Should the planning commission decide to schedule a public hearing, notice of the date, place, time and purpose of the hearing shall be given in the manner prescribed in Government Code Sections 65090 and 65091.

E. In the case of a proposed historic district, a public hearing shall be scheduled, and notice of the date, place, time and purpose of the hearing shall be given in the manner prescribed in Government Code Sections 65090 and 65091.

F. At the conclusion of the public hearing for the designation of a proposed cultural resource or historic district, the planning commission shall approve in whole or in part, or disapprove in whole or in part, the application, in writing. (Ord. 1111 N.S. § 50 (part), 1992; Ord. 980 N.S. § 3 (part), 1990)

18.75.060 Cultural resources designation--Criteria.

For the purposes of this chapter, an improvement may be designated a cultural resource by the planning commission and any area within the city may be designated as a historic district by the commission pursuant to Section 2.36.040 if it meets one or more of the following criteria:

A. Historical, Cultural Importance:

1. Has significant character, interest or value, as part of the development, heritage or cultural characteristics of the city, county, state or nation; or is associated with the life of a person(s) significant in the past, or
2. Is the site of an historic event with a significant effect upon society, or
3. Exemplifies the cultural, political, economic, social or historic heritage of the community; or

B. Architectural, Engineering Importance:

1. Portrays the environment in an era of history characterized by a distinctive architectural style, or
2. Embodies those distinguishing characteristics of an architectural type or engineering specimen, or

3. Is the work of a designer or master building whose individual work has significantly influenced the development of Morgan Hill, or
 4. Contains elements of design, detail, materials or craftsmanship which represent a significant innovation; or
 - C. Geographic Importance:
 1. By being part of or related to a square, park or other distinctive area, should be developed or preserved according to plan based on an historic, cultural or architectural motif, or
 2. Owing to its unique location or singular physical characteristics, represents an established and familiar visual feature of a neighborhood, community or city; or
 - D. Archaeological Importance:
 1. Has yielded, or may be likely to yield information in prehistory or history.
- (Ord. 1111 N.S. § 50 (part), 1992; Ord. 980 N.S. § 3 (part), 1990)

18.75.065 Cultural Resources Alteration - Review required.

It is unlawful for any person to tear down, demolish, construct, alter, remove or relocate any improvement, or any portion thereof, which has been designated a cultural resource or cultural resource site pursuant to the provisions of this chapter, or which lies within an historic district, or to alter in any manner any exterior architectural feature of such a cultural resource, cultural resource site or improvement within an historic district, or to place, erect, alter or relocate any sign within an historic district or on a cultural resource or cultural resource site, without first obtaining written approval to do so in the manner provided in this chapter. Neither shall the building official grant any permit to carry out such work on a designated cultural resource or cultural site or within an historic district, without the prior written approval of the planning commission or community development director as provided in this chapter. This requirement may be waived if the community development director determines that the nature of work is minor or incidental and will not adversely affect the external appearance of existing designated improvement, buildings and structures on the site. (Ord. 1111 N.S. § 50 (part), 1992; Ord. 859 N.S. § 1 (part), 1988)

18.75.070 Cultural resources alteration--Administrative review procedures.

The following procedures will be followed in processing applications for approval of alterations to designated cultural resources or cultural sites:

A. The building official shall report any application for a permit to work on a designated cultural resource to the community development director or his authorized representative.

B. If no permit is required to pursue work in a designated cultural resource, whoever is responsible for the work, whether it is the tenant, resident or property owner, shall apply for approval to the community development director directly.

C. Such application shall be accompanied by such materials as are required by the community development director and are reasonably necessary for the proper review of the proposed project.

D. Notice of applications pending before the community development director shall be provided in the manner prescribed in Government Code Sections 65090 and 65091. The director's decision on the cultural resource alteration shall be in writing and shall state the findings of fact and reason relied upon in reaching his decision. This decision may be appealed as per Section 18.75.080. (Ord. 1111 N.S. § 50 (part), 1992; Ord. 970 N.S. § 5, 1990; Ord. 859 N.S. § 1 (part), 1988)

18.75.075 Cultural resource alteration--Criteria.

The community development director, or the commission, upon appeal, shall issue an approval for any proposed work as described in Section 18.75.065, only if it is determined that:

A. In the case of a designated cultural resource, the proposed work would not detrimentally alter, destroy or adversely affect any exterior architectural feature; or

B. In the case of any property located within an historic district, the proposed construction, removal, rehabilitation, alteration, remodeling, excavation or exterior alteration conforms to the prescriptive standards as adopted by the commission and does not adversely affect the character of the district; or

C. In the case of construction of a new improvement, building or structure upon a cultural resource site, the exterior of such improvements will not adversely affect and will be compatible with the external appearance of existing designated improvement, buildings and structures on the site.

D. In the case of demolitions, alterations and modifications which are inconsistent with the approval criteria, the community development director may approve such actions based on findings of economic hardship. The community development director may collect any information deemed necessary to determine whether economic hardship has occurred and may solicit expert testimony when required. The information needed to determine economic hardship shall include, but not be limited to those items listed in the submittal requirements for cultural resources designations on file in the community development department. (Ord. 1111 N.S. § 50 (part), 1992; Ord. 970 N.S. § 5, 1990; Ord. 859 N.S. § 1 (part), 1988)

18.75.077 Demolitions or removal of cultural resources--Planning commission approval required.

The following procedures will be followed in processing applications for demolition or removal of designated cultural resources or cultural sites:

A. The building official shall report any application for a demolition permit on a designated cultural resource to the community development director.

B. If no permit is required to demolish or remove a designated cultural resource, whoever is responsible for the work, whether it is the tenant, resident or property owner, shall apply for approval to the community development director directly. Applications shall be reviewed by the director and submitted to the planning commission for consideration.

C. The planning commission shall complete its review and shall render its decision after the conclusion of a public hearing on the application. Notice of public hearing shall be provided in the manner prescribed in Government Code Sections 65090 and 65091.

D. In review of permits sought in order to wholly or partially remove or demolish a cultural resource, cultural resource site or historic district, the commission may approve or disapprove the issuance of the permit or permits. This decision may be appealed as per Section 18.75.080. (Ord. 1111 N.S. § 51, 1992)

18.75.080 Appeals.

A. The following actions by the planning commission may be appealed by an interested party to the city council:

1. A determination made after a public hearing that an object, site or structure be designated or not be designated a cultural resource or historic district;
2. The planning commission's decision to grant or not to grant an approval to tear down, demolish, or remove any improvement, or any portion thereof, which has been designated a cultural resource or cultural resource site.

B. The following actions by the community development director may be appealed by an interested party to the planning commission:

1. The director's decision to approve or not to approve alteration to a designated cultural resource or site;
2. The director's decision to allow or not to allow alterations or modifications based on findings of economic hardship per subsection D of Section 18.75.075.

C. In the event that the applicant, any interested person or the city is aggrieved by the decision of the community development director, the aggrieved party may, within ten days of receiving written notification of the director's action, appeal in writing to the planning commission. Notice of appeal shall be in the manner prescribed in Sections 18.64.060 through 18.64.100 of this title. The planning commission may either affirm, modify or reverse the decision of the community development director. Action by the planning commission shall be final, unless there is a further appeal to the city council, in which case, the city council action shall be final. (Ord. 1111 N.S. § 52, 1992; Ord. 970 N.S. § 6, 1990; Ord. 859 N.S. § 1 (part), 1988)

18.75.090 Ordinary maintenance and repair.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this chapter that does not involve a change in design, material or external appearance thereof, nor does this chapter prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when the building official certifies to the community development director that such action is required for the public safety due to an unsafe or dangerous condition which cannot be rectified through the use of the California Historical Building Code. (Ord 1111 N.S. § 53, 1992; Ord. 859 N.S. § 1 (part), 1988)

18.75.100 Duty to keep in good repair.

A. The owner, occupant or other person in actual charge of a cultural resource, or an improvement, building or structure in an historic district shall keep in good repair all of the exterior portions of such improvement, building or structure, all of the interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature.

B. It shall be the duty of the building official to enforce this section. (Ord. 859 N.S. § 1 (part), 1988)

18.75.110 Enforcement and penalties.

A. Methods of Enforcement. In addition to the regulations of this chapter, other chapters of this code and other provisions of law which govern the approval or disapproval of applications for permits or licenses covered by this chapter, the building official shall have the authority to implement the enforcement thereof by any of the following means:

1. Serving notice requiring the removal of any violation of this chapter upon the owner, agent, occupant or tenant of the improvement, building, structure or land;

2. Calling upon the city attorney to institute any necessary legal proceedings to enforce the provisions of this chapter, and the city attorney is authorized to institute any actions to that end;

3. Calling upon the chief of police and authorized agents to assist in the enforcement of this chapter.

In addition to any of the foregoing remedies, the city attorney may maintain an action for injunctive relief to restrain or enjoin or to cause correction or removal of any violation of this chapter, or for an injunction in appropriate cases.

B. Any person who demolishes, alters, or constructs a building or structure in violation of this act shall be required to restore the building or structure and its site to its appearance prior to the violation. Any action to enforce this subsection shall be brought by the city attorney. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty. (Ord. 970 N.S. § 7, 1990; Ord. 859 N.S. § 1 (part), 1988)

Division III. Sign Code

Chapter 18.76

SIGN CODE

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Article I. General Provisions and Definitions

18.76.010 Purpose of provisions.

A. Signs have an obvious impact on the character, quality and economic health of the city. As a prominent aspect of the scenery they either attract or repel the viewing public, and affect the safety of vehicular and pedestrian traffic. Their suitability and appropriateness help to set the tone of a neighborhood. The purpose of this chapter is to control signs in a manner which will maintain a high quality of development throughout the city. It is the intent of the city that commercial and industrial development be in harmony with a residential community.

B. The regulations contained in this chapter are intended to:

1. Promote more effective visual communications for the nature of the goods and services available, and to recognize the economic necessity of signs;
2. Protect and enhance the character and natural beauty of the community and its various neighborhoods and districts;
3. Protect those uses which are adequately and appropriately identified from too many and too large signs in their environs;
4. Protect commercial districts from sign clutter;
5. Protect the public's ability to identify uses and premises without confusion;
6. Eliminate unnecessary distractions which may jeopardize pedestrian or vehicular traffic safety;
7. Assure the maintenance of signs;
8. Implement the community design policies of the General Plan. (Ord. 560 N.S. § A (part), 1981)

18.76.020 Definitions.

(Note: Illustrations of certain types of signs are set out at the end of this chapter.)

1. "Abandoned sign" means a sign which no longer directs, advertises or identifies a legal business establishment, product or activity on the premises where such sign is displayed.
2. "Advertising message" means that copy on a sign describing products or services being offered.

3. "Animated sign" means any sign which is designed to give a message through a sequence of progressive changes of parts or lights or degree of lighting (see illustration at end of chapter).

5. "Architectural projection" means a marquee, porch, canopy or other similar projection.

6. a. "Area of a sign" means the entire area within a single continuous perimeter composed of squares or rectangles which encloses the extreme limits of the advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space, together with any frame or other material, color or condition, which forms an integral part of the display and is used to differentiate the sign from the wall or background against which it is placed, excluding the necessary supports or uprights on which the sign is placed.

b. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that only one face of a double-faced sign shall be considered in determining the sign area, provided both faces are parallel and the distance between faces does not exceed two feet.

c. Where a sign consists only of individual letters, numerals, symbols or other similar components and is painted on or attached flat against the wall of a building, and where such individual components are not within a circumscribed frame area, the total area of the sign shall be the sum of the areas of the squares or rectangles surrounding each individual sign component.

7. "Awning" means a temporary shelter supported entirely from the exterior wall of a building, and composed of nonrigid materials, except for the supporting framework (see illustration at end of chapter).

8. "Billboard" means an outdoor freestanding advertising signboard usually an off-site sign with a sign area exceeding forty-eight square feet except that off-site Freeway oriented signs described in Section 18.76.270.C.4. are not considered to be billboards.

9. "Building attached sign" means an any sign which is fastened, attached, connected or supported in whole or in part by a building or structure other than a sign structure which is supported wholly by the ground (see illustration at end of chapter).

10. "Building face" means all window and wall areas of a building in one plane or elevation (see illustration at end of chapter).

11. "Building frontage" means a single linear length of a building facing a public right-of-way, or which contains a public entrance. Where a building faces on more than one public right-of-way, or contains more than one entrance, the single greatest length of the building facing the public right-of-way shall be considered the building frontage. (see illustration at end of chapter).

12. "Building inspector" means the chief building official or his duly authorized representative.

13. "Business frontage" means that primary frontage within a parcel of land or building complex in which the user's business is located.

14. "Canopy" or "marquee" means a permanent roof-like shelter extending from part or all of a building face, and constructed of some durable material, which may or may not project over a public right-of-way (see illustration at end of chapter).

15. "Changeable-copy sign" means a sign on which copy is changed manually or electrically (see illustration at end of chapter).

16. "Community activity sign" means a temporary sign advertising or pertaining to any civic, patriotic or special event of general public interest taking place within the city.

17. "Community Signs" are signs designed and installed by the City, or by a community group with the approval of the City, to identify the City, its neighborhoods and business districts and community facilities. Community signs may identify the community as seen from the South Valley Freeway; identify the community and its service organizations as seen from Monterey Highway intersections with other specified major streets; or direct traffic at intersections of arterial streets with the South Valley Freeway or with other arterial streets.

18. "Construction sign" means a temporary sign identifying the persons, firms or businesses directly connected with a construction project.

19. "Development project sign" means a temporary sign identifying a proposed development project, or one under construction.

20. "Directional sign" means an on-premises incidental sign designed to guide or direct pedestrian or vehicular traffic (see illustration at end of chapter).

21. "Directory sign" means a sign displaying two or more businesses located within one building or business complex.

22. "Exempt sign" means a sign exempted from normal permit requirements.

23. "Externally illuminated sign" means a sign whose illumination is derived entirely from an external artificial source.

24. "Flashing sign" means an illuminated sign which exhibits changing light or color effected by blinking or any other such means so as not to provide a constant illumination.

25. "Freestanding sign" means a sign erected to a freestanding frame or support, not attached to any building. Examples of freestanding signs are monument signs and pole signs (see illustrations at end of chapter).

26. "Front footage of building occupancy" means a single lineal dimension, measured horizontally along the front of a building, which defines the limits of a particular occupancy at that location (see illustration at end of chapter).

27. "Graphics" means signs relating to, or representing, by a symbol or word, or the symbols or devices used in conveying a meaning or message.

28. "Height of sign" means the vertical distance, measured from the adjacent street grade or upper surface of the nearest curb of a street other than an elevated roadway, whichever permits the greatest height, to the highest point of the sign.

29. "Incidental sign" means a small sign pertaining to goods, services, products or facilities which are available on the premises where the sign occurs, and intended primarily for the convenience of the public.

30. "Individual letter sign" means any sign made of self-contained letters that are mounted on the building.

31. "Marquee." See "canopy."

32. "Modular sign" means a sign with more than two faces identifying the same product or use.

33. "Monument sign" means a freestanding sign with a solid base.

34. "Moving sign" means any sign or device which has any visible moving part, visible revolving part, or visible mechanical movement (see illustration at end of chapter).

35. "Nameplate" means a sign which designates the name and address of a person or persons occupying the premises upon which it is located.

36. "Nonconforming sign" means a sign lawfully erected and legally existing at the time of the effective date of an ordinance, but which does not conform to the new provisions of the code.

37. "Off-site sign" (also known as off-premises sign, billboard and poster panel) means any sign which advertises goods, products, services or facilities not necessarily sold on the premises on which the sign is located (see illustration at end of chapter).

38. "On-site sign" (also known as on-premises and business sign) means any sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same premises as those upon which the sign is maintained.

39. "Parapet" or "parapet wall" means that portion of a building wall that rises above the roof level.

40. "Parcel of property" means a parcel of land shown on a subdivision map, record of survey map, parcel map, or a parcel described by metes and bounds, which constitutes one development site (see illustration at end of chapter).

41. "Pole sign" means a freestanding sign supported by one or more poles or pylons, as opposed to a solid base support.

42. "Political sign" means a sign designed for the purpose of soliciting support of, or opposition to, a candidate or proposition at a public election.

43. "Portable sign" means any movable sign not permanently attached to the ground or building (see illustration at end of chapter).

44. "Premises" means a parcel of property, or that portion thereof occupied by one tenant.

45. "Projecting sign" means a sign which is attached to and projects from the structure or building face, and is not parallel to the structure to which it is attached (see illustration at end of chapter).

46. "Public notice sign" means a sign placed temporarily on a property in connection with a pending application, in a format approved by the Community Development Department.

47. "Public service information sign" means any sign intended primarily to promote items of general interest to the community, such as time, temperature, date, atmospheric conditions, news, or traffic control, etc. (see illustration at end of chapter).

48. "Real estate sign or property sign" means any temporary sign pertaining to the sale, exchange, lease or rental of land or buildings.

49. "Roofline" means the top edge of the roof or top of the parapet, whichever forms the top line of the building silhouette.

50. "Roof sign" means any sign erected upon, against, or directly above a roof or top of or above the parapet of a building (see illustration at end of chapter).

51. "Rotating sign" means any sign or portion thereof which physically revolves about an axis.

52. "Sign" means any written (including letters, words or numerals) or pictorial presentation (including illustration), decoration, emblem, flag, or any other device, figure, logo or similar character which:

a. Is located and maintained as a freestanding structure or any part of a structure, or located and maintained on a building or other structure or device by being placed, installed, attached, affixed, fastened, pasted, posted, painted, printed, nailed, tacked or in any other manner thereon or thereto; and

b. Is used to announce, direct attention to, identify or advertise; and

c. Is visible from outside any building or structure (see illustration at end of chapter).

53. "Street frontage" means the length of a lot or parcel of land along or fronting on a street or streets (see illustration at end of chapter).

54. "Subdivision real estate sign" means a sign which is installed on a temporary basis to advertise a new subdivision, townhouse or condominium project.

55. "Temporary sign" means a sign which is installed for a limited time (see illustration at end of chapter).

56. "Temporary window sign" means a sign painted or constructed of paper or other lightweight material, and affixed to the interior or exterior side of a window or glass area on a building for a limited time.

57. "Testing laboratories" means a nonprofit organization which establishes standards for electrical and mechanical equipment having received laboratory approval.

58. "Total aggregate sign area" means the total display area of a copy for each sign located on the premises, measured in square feet, but not including temporary signs or traffic-directional signs.

59. "Uniform sign program" means standards of size, construction material and illumination established for signs located within a shopping center or building complex containing more than one store.

60. "Unlawful sign" means a sign which is installed without a lawful permit, where a permit is required.

61. "Use" means the purpose for which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

62. "Wall sign" means a sign attached to or erected against a wall of a building and any sign affixed in such a way that its exposed face is parallel to the plane of a building (see illustration at end of chapter).

63. "Window sign (permanent)" means a permanent sign installed or painted inside or outside a window or glass area for purposes of viewing from outside the premises. (Ord. 1134 N.S. §§ 6-17, 1993; Ord. 1111 N.S. § 54, 1992; Ord. 899 N.S. § 2 (part), 1989; Ord. 560 N.S. § A (part), 1981)

Article II. General Regulations and Permits

18.76.030 Permit—Required when.

No sign shall be constructed, maintained, displayed or altered within the city except pursuant to a sign permit obtained as provided in this chapter, unless the sign is specifically exempted from permit requirements pursuant to Section 18.76.040 of this chapter. Every sign permit issued by the community development director or his representative shall become null and void if installation of the sign is not commenced within twelve months from the date of such permit. If work authorized by the permit is suspended or abandoned for a period of one hundred twenty days any time after the work is commenced, a new permit or renewal shall first be obtained. (Ord. 1111 N.S. § 55, 1992; Ord. 560 N.S. § A (part), 1981)

18.76.040 Exempt signs designated.

The following signs shall be allowed without community development director approval, pursuant to Section 18.76.060 of this chapter, and shall not be required to obtain a sign permit pursuant to Section 18.76.030 of this chapter, unless otherwise provided herein:

- A. Memorial signs or tablets, names of buildings and date of erection, when cut into masonry, bronze, or other incombustible material;
- B. Traffic or other governmental signs, legal notices, railroad crossing signs, danger signs, and signs of utility companies designating public utility locations;
- C. Temporary signs not exceeding sign area permitted in Sections 18.76.230 through 18.76.270 of this chapter, displayed behind a window or upon a building, as long as the sign is not being used as a substitute for a business identification sign; temporary signs shall be permitted for display for a period not exceeding ninety days in duration;
- D. Community activity signs shall not exceed thirty-two square feet in sign area and shall not exceed eight feet in height when freestanding. All community activity signs shall be permitted for display for a period not exceeding sixty days in duration. Community activity signs may exceed the area limitation or be permitted for a period exceeding sixty days subject to the approval of the community development director. All community activity signs shall be erected only as approved by the building official as to location, safety, and period of display. At such time as a sign cable is installed by the city, all community activity signs shall be restricted to the sign cable location;

E. Temporary signs warning of construction, excavation or similar hazards, so long as the hazard exists;

F. One temporary sign not exceeding thirty-two square feet, used to indicate owner, builder, architect, and permanent data regarding building construction on the building site, during construction only;

G. Temporary holiday decorations, provided that such decorations are displayed for a period of not more than forty-five consecutive days, or no more than sixty days in one year;

H. Temporary signs indicating that the property is for sale, rent or lease. Only one such sign is permitted to face each street adjacent to the property. Such signs may be single-faced or double-faced, and are limited to six square feet or less on property in residential zones, and thirty-two square feet in nonresidential zones;

I. "No Trespassing" signs, each not more than one square foot in size, placed at each corner and each entrance to property, and at intervals of not less than one hundred feet, or in compliance with the requirements of law;

J. Identification signs for residents, limited to not more than one square foot for each residence located on a lot of less than five net acres, and limited to not more than twenty square feet for residences located on lots of five or more net acres;

K. Parking lot and other private traffic-directional signs, each not exceeding five square feet in area, and limited to guidance of pedestrian or vehicular traffic within the premises on which they are located;

L. Miscellaneous permanent information signs in nonresidential zones, with an aggregate area not to exceed three square feet at each public entrance, nor ten square feet total, indicating address, hours and days of operation, whether a business is open or closed, credit information, and emergency addresses and telephone numbers;

M. Signs which provide direction or instruction, and are located entirely on the property to which they pertain, and do not in any way advertise a business and do not exceed six square feet in area, including signs identifying restrooms, public telephones and those of similar nature;

N. The flag of the United States and the California state flag;

O. House numbers and nameplates not exceeding four square feet in area for each dwelling;

P. Political or campaign signs on behalf of candidates for public office or measures on election ballots, providing that such signs are erected no sooner than the close of the filing period for the election to which they relate, or not more than ninety days prior to such election, whichever period is longer. The signs must be removed within seven days following the election;

Q. Public signs, required or specifically authorized for a public purpose by any law, statute or ordinance, which may be of any type, number, area, height above grade, location or illumination as required by law, state or ordinance under which the signs are erected;

R. Temporary real estate open-house signs, not to exceed six square feet in area each, to be removed at dusk each day;

S. Barber poles;

T. Theater poster display signs, including all display cases mounted on theater buildings and designed to exhibit coming attractions for movies, plays or similar events.

U. Community identification monuments on property owned or leased by the City; and directional signs within street or State highway rights-of-way, which may include directions to business districts by name and to community facilities such as City Hall and City parks, are included under this definition as being exempt, where located and approved by Ordinance. (Ord. 1134 N.S. § 11, 1993; Ord. 1111 N.S. § 56, 1992; Ord. 899 N.S. § 2 (part), 1989; Ord. 779 N.S. (part), 1986; Ord. 560 N.S. § A (part), 1981)

18.76.050 Permit--Application requirements.

Any person desiring to construct, maintain or display a sign for which a permit is required shall submit an application to the department of community development. Such application shall include plans, drawings and other descriptive materials sufficient to depict the sign proposal, as well as all other proposed or existing signage on the same property, and to enable evaluation of the proposal's conformance with the sign regulations. Authorization of the property owner shall be required to submit a sign permit application. (Ord. 899 N.S. § 2 (part), 1989; Ord. 560 N.S. § A (part), 1981)

18.76.070 Administrative review required.

A. The following signs shall be subject to review and action by the community development director or his authorized representative as provided for in Section 18.76.050:

1. Sign copy changes;
2. Freestanding and building-attached signs defined under Sections 18.76.240 through 18.76.290 of this title.

B. All provisions of this chapter, except Section 18.76.130, shall apply to signs regulated by this administrative review. The director of community development may impose only such conditions as will assure compliance with the provisions of this chapter and Chapter 18.74 of this title exempting all political signs from administrative review.

C. It is unlawful for any person, firm or corporation, directly or indirectly, to construct, maintain, display or alter a sign without first securing the review and approval thereof from the community development director, unless the sign is specifically exempted from this requirement pursuant to the regulations contained in this chapter. (Ord. 1111 §§ 58 and 59, 1992; Ord. 980 N.S. § 3 (part), 1990; Ord. 560 N.S. § A (part), 1981)

18.76.075. Conditional Use Permit Required.

A. The following signs may be conditionally allowed subject to the issuance of a Conditional Use Permit in accordance with Chapter 18.54 of this title:

1. Changeable copy signs along Highway 101 for automotive-related businesses, provided that the message change on the sign is no more frequent than every two (2) minutes. Such signs shall not be allowed when located more than 100 feet from the South Valley Freeway.

2. Business identification Freeway-oriented signs, as described in Section 18.76.270.C.4., which are designed to identify two or more businesses, one or more of which is located on the project or development on which the sign is located, and one or more of which is located in another project or development. Signs which only identify businesses in a single shopping center on which such signs are located do not require Conditional Use Permits under this Section. (Ord. 1134 N.S. § 12, 1993)

18.76.080 Building permits required when.

Sign permit applications shall be examined by the chief building official. When, in his determination, a separate building, electrical or plumbing permit is required, the applicant shall be notified, and the sign permit shall not be issued until such other permits are obtained from the building division of the community development department. (Ord. 560 N.S. § A (part), 1981)

18.76.090 Encroachment permit required when.

Any sign which projects into the public right-of-way cannot be installed without encroachment permit approval by the public works director. (Ord. 560 N.S. § A (part), 1981)

18.76.100 Permit—Fees.

Any person filing for a sign permit shall, at the time of filing the application, pay to the community development department a fee to cover the processing of the application, sign inspection, and issuance of the permit, as set by city council resolution. (Ord. 560 N.S. § A (part), 1981)

18.76.110 Inspections for permitted signs.

All signs for which permits are required shall be subject to inspection as follows:

- A. Footing inspections will be required for all freestanding signs;
- B. Electric signs shall be inspected before or during erection;
- C. All signs may be reinspected at the discretion of the building official. (Ord. 560 N.S. § A (part), 1981)

18.76.120 Environmental effects.

The city council finds that this chapter shall not have any significant adverse environmental impact. The city council also finds that this chapter is exempt under the provisions of Title 15, California Administrative Code Section 15308, as a Class 8 categorical exemption, on action taken to assure the maintenance, restoration, enhancement or protection of the environment. (Ord. 1111 N.S. § 60, 1992; Ord. 899 N.S. § 2 (part), 1989; Ord. 560 N.S. § A (part), 1981)

18.76.130 Prohibited signs.

A. In addition to any sign not specifically in accordance with this chapter, the following signs are prohibited:

1. Any sign which simulates or imitates in size, color, lettering or design any traffic sign or signal, or which makes use of words, symbols or characters in such a manner as to interfere with, mislead or confuse pedestrian or vehicular traffic;
2. Signs attached to or placed adjacent to any utility pole, parking meter, traffic signpost, traffic signal, or any other traffic-control device, in accordance with Section 21464 of the California Vehicle Code;
3. Private signs, other than permitted projecting signs, located on or extending over public property without a valid encroachment permit;
4. Signs erected without permission of the owner (or his agent) of the property on which the sign is located;
5. Temporary signs visible from a public street, attached to or placed on merchandise or materials stored or displayed outdoors, unless approved as a part of a use permit, or temporary use permit, used to advertise agricultural fruit stand produce, or used in conjunction with a sale existing for no more than twenty days;
6. Highly reflective and fluorescent painted signs;
7. Any sign which does not conform with the following powerline clearance requirements, provided that further restrictions adopted by the California Public Utilities Commission shall be followed:

Minimum Clearance of Signs from Conductors	Less Than 750 Volts	Greater Than or Equal to 750 Volts
Vertical clearance		
Above sign	3 feet	8 feet
Below sign	3 feet	Prohibited
Horizontal clearance		
From conductors	3 feet	6 feet
From poles	4 feet	6 feet

8. Rotating, revolving, flashing, animated, moving, glaring, changing, reflecting or blinking signs, or signs which appear to do any of the foregoing, whether such signs are located on the exterior of the premises or on the interior for viewing from the exterior, except that a changeable copy message board for automotive-related businesses adjacent to the South Valley Freeway, and which meets the requirements of Section 18.76.075, is not a prohibited flashing sign;

9. Billboard signs;

10. Roof signs extending above the eave or parapet line, except when, in the opinion of the community development director, the sign is a complimentary architectural part or feature of the building;

11. Off-site directional or identification signs, except public-service signs and no more than three real estate signs, as permitted in Sections 18.76.240 and subsection C1 of 18.76.290 and no more than two off-site directional signs for churches and other quasi-public uses, as permitted in Sections 18.76.240 and 18.76.250 of this chapter or business identification Freeway-oriented signs, approved by Conditional Use Permits, as described in Section 18.76.270.C.4;

12. Portable signs, such as sandwich boards or A-frame signs, except temporary real estate open-house directional signs permitted in residential zoning districts only;

13. Auto "for sale" signs on public or commercial property for more than one vehicle or item, except when conducted as part of a licensed business;

15. Signs projecting over a public or private vehicular roadway, except for community activity signs pursuant to subsection D of Section 18.76.040 of this chapter, and except for signs receiving an encroachment permit from the public works director;

16. Signs which advertise a business not having an active business license on file with the city;

17. Signs emitting audible sounds, odor, or visible matter;

18. Flags, other than those of the United States of America and the state of California;

19. Any sign that utilizes visible guy wires, angle irons and iron frame structures;

20. Banners, pennants, searchlights, twirling signs, curb signs, balloons or other gas-filled figures (see illustration at end of chapter). Signs described above may be permitted at the opening of a new business or for special events with prior approval only for a total period not exceeding ten days;

21. Miscellaneous signs and posters, and the tacking, pasting or otherwise affixing of signs of a miscellaneous character on the walls of buildings, barns, sheds, trees, poles, posts, fences or other structures, are prohibited unless otherwise provided for in this chapter;

22. Any sign affixed to any vehicle or trailer on a public right-of-way or public property, unless the vehicle or trailer is intended to be used in its normal business capacity and not for the sole purpose of attracting people to a place of business (see illustration at end of chapter). All vehicles used as part of normal business service or activity must be stored on-site.

B. No sign or its supporting members shall be erected, altered or relocated so as to interfere with or restrict access to a window or other opening in a building in such a manner as to unduly limit air circulation or obstruct or interfere with the free use of a fire escape, exit, standpipe, stairway, door, ventilator or window, or similar opening; provided, however, that the director of building inspections may approve a swinging sign or other form of sign or its attachment when, in his judgment, such sign will not restrict access to such openings. (Ord. 1134 N.S. §§ 13, 14, 1993; Ord. 1111 N.S. § 61, 1992; Ord. 1055 N.S. § C (part), 1991; Ord. 899 N.S. §§ 2 (part), 21 (part), 1989; Ord. 779 N.S. (part), 1986; Ord. 560 N.S. § A (part), 1981)

Article III. Design Standards

18.76.140 Design criteria for consideration.

In determining the sign area, height, projection and clearance to be authorized, the community development director shall consider the following factors:

- A. The size, scale, magnitude and design of the structure, building or use such proposed sign is to serve;
- B. The size, scale and magnitude of structures, buildings and uses adjoining or in the vicinity of the sign proposed;
- C. Views and view corridors;
- D. The design of the sign in relation to adjoining or nearby signs;
- E. Policies, as set forth in Section 18.74.020 of this title. (Ord. 1111 N.S. § 62, 1992; Ord. 560 N.S. § A (part), 1981)

18.76.150 Conformance conditions.

Signs subject to review by the community development director shall conform to a number, sign area, height, projection and illumination determined by the director to be adequate, but not excessive, for identification, proper scale in relation to the building, harmony with the character of the building and vicinity, and conformance to the policies contained in Section 18.74.020 of this chapter. (Ord. 1111 N.S. § 63, 1992; Ord. 560 N.S. § A (part), 1981)

18.76.160 Sign programs for projects.

Projects or buildings containing more than one store should have an overall planned sign program. The overall planned sign program shall be attached to the lease agreements for all leasable space within the project. (Ord. 560 N.S. § A (part), 1981)

18.76.170 Location restrictions.

Any business identification sign permitted under this chapter shall advertise only the business conducted on or within the premises upon which the sign is located.

However, the Planning Commission may approve by Conditional Use Permit location of a sign to be placed within 100 feet of the South Valley Freeway (U.S. 101) on which may be advertised commercial businesses eligible under Section 18.76.270.C.4. Such a sign may be located in an H-C, C-G, PUD, TUD or M-O zoning district. The purpose of this provision is to allow eligible commercial businesses or shopping centers to place identification signs closer to the motorists on the Freeway, thus reducing the area and height which would otherwise be needed to identify the business. Such a sign shall comply with all otherwise applicable requirements of this Ordinance and of Site Review. (Ord. 1134 N.S. § 15, 1993; Ord. 560 N.S. § A (part), 1981)

18.76.180 Computation of frontage and sign area.

A. "Sign area" shall be computed and measured by the area of the largest face of the sign copy within the perimeter which forms the outside shape, including all sides, faces, and any frame which forms an integral part of the display, but excluding necessary supports or uprights on which the sign may be placed. Where there is no physical frame defining the perimeter of the sign, the area shall consist of that portion of the sign within a single continuous perimeter enclosing the extreme limits of the sign copy. On double-faced signs, only that face (or faces) visible from any one direction at one time will be counted.

B. The street frontage is used in computing the ratio of lineal front feet to square feet of signage for freestanding or detached signs. The building frontage is used in computing the ratio of lineal front feet to square feet of signage for wall, projecting and other signs.

C. Premises fronting on more than one public right-of-way may not combine permissible freestanding sign area of one frontage with another frontage (see illustration at end of chapter). (Ord. 560 N.S. § A (part), 1981)

18.76.190 Sign message limitations.

Signing should consider minimum information only. The name of the business or residential complex shall be the dominant message on the sign. (Ord. 560 N.S. § A (part), 1981)

18.76.200 Freestanding signs.

All freestanding signs shall be located in a landscaped planting area. Monument-type freestanding signs are encouraged. (Ord. 560 N.S. § A (part), 1981)

18.76.210 Pole and roof signs.

Pole and roof signs are to be considered only after alternative solutions are proven not feasible. Approval of such signs shall be contingent upon the individual physical features of the specific site. Subsection 10 of Section 18.76.130 shall govern all approvals of roof signs. (Ord. 560 N.S. § A (part), 1981)

18.76.220 Projecting signs and sign clearance.

A. Projecting signs shall be permitted in the CC-R, C-G, HC, TUD, PUD, CS and CO zones exclusively.

B. All projecting signs must be double-faced, except signs placed flat against a building, or projecting V-shaped signs attached to a building at the open points of the V.

C. A sign which projects into or above a public alley shall be located not less than fourteen feet above the alley grade, and shall not project more than twelve inches from the building face.

D. No permit for any sign shall be issued, and no sign shall be constructed or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the state or rules and regulations duly promulgated by agencies thereof.

E. For signs placed flat against a building, the outside face of the sign may extend no more than eighteen inches from the wall of such building. Such signs may project over a public right-of-way a distance not exceeding such eighteen-inch depth. (Ord. 1111 N.S. § 64, 1992; Ord. 560 N.S. § A (part), 1981)

Article IV. Types of Signs

18.76.230 **Applicability of provisions.**

No signs shall be permitted to be constructed, maintained or displayed in any zoning district within the city, except as provided in Sections 18.76.230 through 18.76.270 of this chapter. (Ord. 560 N.S. § A (part), 1981)

18.76.240 **Residential zone signs.**

The following signs are permitted in the O-S open space; R-E residential estate; R-1 single-family residential; R-2 multifamily, medium-density residential; and R-3 multifamily, medium-density zones:

A. Construction Signs. One per premises or subdivision; sign area of thirty-two square feet maximum; location no closer than five feet from property line; nonilluminated; fifty-dollar bond to building official at time of permit issuance, to be returned upon removal of the sign within thirty days of completion of sale of lots or homes; cannot be installed before thirty days prior to commencement of construction; design review not required; permit issued by community development director.

B. Real Estate Signs. One per premises or subdivision; sign area of six square feet if site is less than 2.5 acres, thirty-two square feet if site exceeds 2.5 acres; sign height six feet maximum; location, no closer than five feet from property line; nonilluminated; no panel can exceed eight feet in length, shall be submitted by sign applicant at time of permit issuance for subdivision real estate sign only, to be returned upon removal of sign no later than three days after completion of sale; design review not required; subdivision real estate sign permit issued by community development director and expires one year from date of issuance.

C. Model Home Subdivision Signs. One per model home; sign area six square feet maximum; freestanding sign height six feet maximum; location, no closer than five feet from property line; nonilluminated; signs shall be removed no later than three days after completion of sale; design review not required; permit issued by community development director and expires one year from date of issuance.

D. Subdivision Identification Signs. One sign per subdivision; sign area, thirty-two square feet maximum; no panel face can exceed eight feet maximum; nonilluminated; location, no closer than five feet from property line; to be removed no later than thirty days after completion of sale unless sign is to remain permanently;

design review not required for temporary signs; temporary sign permit issued by community development director and expires after one year from date of issuance.

E. Subdivision Directional Signs. No more than two per subdivision; sign area thirty-two square feet maximum; no panel can exceed eight feet; freestanding sign height six feet maximum; nonilluminated; can be located no nearer than fifty feet from a residence or other directional sign, and no closer than five feet from property line; five hundred dollar bond to building official at time of permit issuance, to be returned to applicant upon removal of signs, not to exceed thirty days after completion of sale; design review not required; permit issued by community development director and expires one year from date of issuance.

G. Institutional Identification Signs. One per each street frontage; located no closer than five feet from property line; for multiple-family buildings, planned residential developments, residential condominium projects, group quarters, churches and similar institutional uses; sign area, maximum thirty-two square feet; freestanding sign height, maximum six feet; source of illumination shall not be visible from adjacent properties; shall be located a minimum of five feet inside the property line; permit issued by community development director pursuant to Section 18.76.070 unless site improvement subject to Chapter 18.74.

H. Single Dwelling Identification Signs. One identification sign not exceeding one square foot in area for each dwelling unit located on a lot of less than five net acres, or one sign not exceeding twenty square feet located on a lot of twenty or more net acres; freestanding sign height, maximum six feet; no sign permit required.

I. Directional Entry and Exit Signs. Directional entry and exit signs are permitted, providing each sign does not exceed two square feet in area and five feet in height, and providing the building use has parking space for at least ten vehicles; design review not required; permit issued by community development director, pursuant to Section 18.76.070.

J. Governmental Agency Signs. Identification signs, bulletin boards and other similar structures for governmental agencies, which may be regulated by the city, are subject to approval by the community development director pursuant to Section 18.76.070 of this chapter.

K. Off-site Directional Signs. A maximum of two off-site directional signs are permitted for churches and other quasi-public uses subject to approval by the community development director. The directional signs shall be located in the public right-of-way and designed according to standard city specifications. Signs will be installed and maintained by the city at the applicant's expense. (Ord. 1111 N.S. § 65 and 66, 1992; Ord. 1055 N.S. § C (part), 1991; Ord. 980 N.S. § 3 (part), 1990; Ord. 899 N.S. § 21 (part), 1989; Ord. 560 N.S. § A (part), 1981)

18.76.250 Commercial and industrial zone signs.

The following signs are permitted in the C-N neighborhood commercial, C-G general commercial, C-O administrative office, CS service commercial, HC highway commercial, TUD theme unit development, PUD planned unit development, M-L light industrial, M-G general industrial, and M-C campus industrial, M-O office industrial, and P-F public facilities zones, subject to community development director approval:

- A. Construction Signs. Same as subsection A of Section 18.76.240.
- B. Real estate Signs. Same as subsection B of Section 18.76.240.
- C. Advertising Signs. On-site advertising signs and structures painted upon or affixed to any building, except in shopping centers, subject to the following conditions:
 - 1. The sign area shall not exceed one and one-half square feet of sign area for each lineal foot of building frontage for building attached signs. Where more than one business is located in a building or upon a single parcel of record, the frontage of each separate business building facing the right-of-way shall be considered as building frontage.
 - 2. Where business storefronts face onto a private drive or parking lot aisle, each business may be permitted up to a maximum of one and one-half square feet of sign area per each lineal foot of building frontage. Such signs shall be a part of a uniform sign program.
- D. Directional entry and exit signs, same as subsection H of Section 18.76.240.
- E. Governmental Agency Signs. Same as subsection I of Section 18.76.240.
- F. Shopping Center Advertising Signs. On-site advertising signs in shopping centers, painted upon or affixed to any building, subject to the following conditions:
 - 1. Sign Area. Sign area shall not exceed one and one half square feet of sign area per each lineal foot of building frontage.
 - a. Where more than one business is located in a building or upon a single parcel of record, the frontage of each separate business facing the right-of-way shall be considered as a building frontage.
 - b. The maximum letter height for building attached signs shall not exceed twenty four (24) inches. Where a shopping center contains major tenants, each of which occupy a gross square footage of 14,000 square feet or more, the maximum letter height may be increased to forty eight (48) inches.
 - 2. Under-canopy Signs. Where a canopy, marquee or eave extends over a walkway, arcade or mall, one under-canopy sign per each business may be permitted; vertical dimension shall not exceed eighteen inches; total area shall not exceed five square feet; eight foot vertical clearance from walking surface; all under-canopy signs shall be of uniform size, design and height, and shall be compatible throughout each

development; only the name and type of business should be displayed on under-canopy signs.

3. Freestanding signs; see subsection H of this section.

G. Building Attached Signs in Administrative Office Zone. Building attached signs in administrative office zones advertising only the business conducted or services provided on the premises shall be permitted. Total sign area permitted on the front of the building shall be limited to one square foot of sign area for each lineal foot of building frontage, not to exceed one hundred square feet. Such sign area may be distributed and permitted on each side of the building that faces a public street;

H. On-site Freestanding Signs.

1. For on-site freestanding signs excluding shopping center signs in all commercial and industrial zones the following criteria shall apply:

a. Number of signs: One monument-type freestanding sign shall be permitted per premises.

b. Sign area: Sign area shall not exceed one square foot of sign area per each lineal foot of building frontage, up to a maximum of forty-eight square feet.

c. Sign height: In no case shall the height exceed eight feet.

d. Sign message: Sign messages should have copy identifying the name of the center or primary business within a freestanding building only.

e. Sign location: Freestanding signs in the CO, Administrative Office, zone shall be set back a minimum of ten feet from all public rights-of-way.

2. For on-site freestanding signs for shopping centers the following criteria shall apply:

a. Number of signs: One monument sign per major street frontage and one monument sign per each freestanding building within the shopping center shall be permitted;

b. Size and message of signs: Monument signs shall not exceed one square foot of sign area per each lineal foot of building frontage, up to a maximum of forty-eight square feet, eight feet in height and the identification of the name of the center. Shopping centers with major tenants each of which occupy a gross square footage of 14,000 square feet or more shall be allowed monument signs using the following criteria:

Number of tenants in excess of 14,000 sq.ft.	Max. number of tenants identified	Max. Square footage	Max. Height
1	1	48 sq. ft.	8 ft.
2	2	48 sq. ft.	8 ft.
3	3	60 sq. ft.	10 ft.
4+	4	75 sq. ft.	12 ft.

Shopping center monument signs shall utilize a minimum of twelve square feet of sign area to display the name of the shopping center and a maximum of twenty-four square feet to display any individual tenant identification. (Ord. 1089, N.S., 1992)

3. i. Freestanding signs in PUD planned unit development, TUD theme unit development and M-P industrial park zone districts may vary, to a limited extent, from the above requirements, provided they are part of a uniform sign program approved by the community development director, with design reasons given for the variation.

ii. On-site freestanding signs on industrial zoned properties may be a maximum height of ten feet provided that minimum lot frontage of subject property is one hundred lineal feet.

I. On-site Directional Signs, All Commercial and Industrial Zones. The community development director may permit up to six permanent directional signs per parcel of record, not to exceed three square feet in area, or four feet in height if free-standing.

J. Awning Signs. Awning signs in all commercial and industrial zones shall be regulated as attached building signs under all provisions of subsections D and K of Section 18.76.260. Minimum clearance between the ground surface and the bottom of any awning shall be eight feet, except as provided in the adopted Uniform Building Code.

K. Directional Entry and Exit Signs. Same as subsection H of Section 18.76.240.

L. Governmental Agency Signs. Same as subsection I of Section 18.76.240.

M. Window Signs. All permanent window signs may not occupy more than twenty-five percent of the window area on which they are placed. Permanent window signs within a shopping center or building housing more than three businesses must be included in an approved uniform sign program. Window sign area shall be included in the total building aggregate sign area, as per subsection D or subsection G1 of this section.

N. Alleyway, Rear Access Entry and Service Area Signs. Supplemental signage for alleys and serviceways is permitted in addition to all main identification signs, providing that such signs are mounted flat against the wall area and do not exceed twenty-five square feet in total aggregate area.

O. Subdivision Identification Signs. Same as subsection D of Section 18.76.240.

P. Off-site Directional Signs. Same as subsection J of Section 18.76.240.

Q. Freestanding Off-site Freeway Signs for Full-service Community Hospitals. Sign criteria for full-service community hospitals shall be applicable as follows:

1. The proposed sign shall be located within one hundred feet of the freeway right-of-way and near the closest freeway off-ramp to the site;
2. Messages on such signs shall be limited to the name of the hospital, address and hours of operation;
3. The proposed sign shall not exceed fifteen feet in height and four hundred eight square feet in sign area;
4. Only one off-site sign per use shall be permitted.
- R. Off-site Directional Signs for Full-service Community Hospitals.
 1. In addition to off-site freeway signs, as defined in subsection R, full-service community hospitals may be permitted additional off-site directional signs when the community development director finds that additional signs are necessary to provide adequate direction to the facility.
 2. Such additional signs shall conform to the following standards:
 - a. The sign shall be limited to six feet in height and fifteen square feet in area;
 - b. Messages on the off-site directional sign shall be limited to the name of the facility, address and hours of operation. (Ord. 1134 N.S. §16, 1993; Ord. 1111 N.S. § 67, 1992; Ord. 1089, N.S., 1992; Ord. 992 N.S. §§ 1, 2, 1990; Ord. 899 N.S. §§ 2 (part), 21 (part), 1989; Ord. 623 N.S. § A, 1983; Ord. 590 N.S. § A, 1982; Ord. 560 N.S. § A (part), 1981)

18.76.260 Downtown design plan area and CC-R zone signs.

The following signs are permitted in the CC-R central commercial/residential mixed use zone, and shall conform to standards in the Downtown Design Plan:

- A. Construction Signs. Same as subsection A of Section 18.76.240;
- B. Real Estate Signs. Same as subsection B of Section 18.76.240;
- C. Political Signs. Same as subsection F of Section 18.76.240;
- D. Sign Area and Design.
 1. The sign area for building-attached signs shall not exceed one and one-half square feet of sign area per each lineal foot of building frontage, nor exceed one hundred square feet on its principal road side. Where more than one business is located in a building or upon a single parcel of record, the frontage of each separate business facing the right-of-way shall be considered as a building frontage.

2. The design of the signs proposed for all businesses located in the Downtown Design Plan District shall be consistent with the sign guidelines established in the Downtown Design Final Concept Plan (pages 74--79). A finding to this effect must be made by the community development director prior to issuance of a sign permit.

E. Directory Signs. One directory sign per premises, not interior-illuminated, and not exceeding one square foot for each room or suite occupied as a unit shall be permitted.

F. Freestanding Signs. One freestanding sign per premises located along street frontages shall be permitted, with a maximum sign height of eight feet and a maximum sign area of forty-eight square feet;

G. Sign Message. Signs located within the Downtown Design Plan district should identify the name or logo of the business as a dominant message.

H. Lighting. Indirect illumination shielded from surfaces other than the sign area is discouraged.

I. Sign Program. Projects or buildings containing more than one business or tenant shall have an overall planned sign program.

J. Under-canopy Signs. Same as subsection G2 of Section 18.76.250.

K. Awning Signs. Awning signs are encouraged in the Downtown Design Plan district, and shall be regulated according to the standards of subsection D of this section. Minimum clearance between the ground surface and the bottom of any awning shall be eight feet, except as provided in the adopted Uniform Building Code (see illustration at end of chapter).

L. On-site Directional Entry and Exit Signs. Same as subsection H of Section 18.76.240.

M. Governmental Agency Signs. Same as subsection J of Section 18.76.240.

N. Window Signs. Same as subsection N of Section 18.76.250.

O. Alleyway and Service Area Signs. Same as subsection O of Section 18.76.250. (Ord. 1111 N.S. § 68, 1992; Ord. 899 N.S. § 2 (part), 1989; Ord. 560 N.S. § A (part), 1981)

18.76.270 Freeway-oriented signs in commercial and industrial zones.

These regulations shall apply to those businesses in C-G, C-0, H-C, PUD and T-U-D commercial zones and industrial parks (P.U.D. zones of one hundred acres or more) located within one hundred feet from the edge of the right-of-way of any state or federal freeway.

A. Freestanding Freeway Signs in Commercial Zones. One freestanding sign; maximum sign area, seventy-two square feet west of the South Valley Freeway and eighty-four square feet east of the South Valley Freeway; maximum height, thirty-five feet west of the South Valley Freeway and forty feet east of the South Valley Freeway.

B. Freestanding Freeway Signs in Industrial Parks (M-P and PUD Zones). One freestanding sign identifying name of industrial park or primary tenant; maximum sign area seventy-two feet west of the South Valley Freeway and eighty four feet east of the South Valley Freeway; maximum sign height thirty-five feet; design review required; sign must be on property located within one hundred feet of the Freeway right-of-way.

C. Shared Use Freestanding Signs in Commercial and M-O Office-Industrial Zones. Freestanding signs which advertise more than one business and which are within 100 feet of the South Valley Freeway may have the following dimensions, in order to be more visible from the Freeway:

1. Height: 50 feet for a sign of two or more businesses, located west of the South Valley Freeway; 55 feet for a sign of two or more businesses located east of the South Valley Freeway and the parallel drainage channel.

2. Area: a maximum of 72 square feet per business west of the South Valley Freeway and 84 square feet east of the South Valley Freeway. All businesses advertising on one sign, combined together, may have up to 280 square feet of business message sign area if west of the Freeway and 330 square feet if east of the Freeway and channel. No more than six businesses may advertise or be identified on a single sign. In addition, up to 90 square feet of sign area may be allowed for a shopping center west of the Freeway and 100 square feet for a shopping center east of the Freeway, to identify the name of the center as a whole.

3. Eligibility: such sign poles or pylons may only advertise businesses which are either Freeway-dependent such as restaurants and motels and which are on properties which are located within 200 feet of the South Valley Freeway right-of-way; or businesses which contain at least 15,000 square feet under one roof and are located on properties zoned H-C Highway Commercial, PUD Planned Unit Development, TUD Theme Unit Development or C-G General Commercial, and are located within 200 feet of the South Valley Freeway right-of-way.

4. Location: On-site signs: one pole or pylon sign per project or development may be located in that project or development in a PUD, TUD, H-C or C-G zone, adjacent to the South Valley Freeway. Off-site signs: Sign poles or pylons may be located off-site in an H-C, C-G, PUD, TUD or MO zoned parcel which is adjacent to the South Valley Freeway, subject to approval of a Conditional Use Permit. Pole or pylon signs shall be spaced at least 200 feet apart.

5. Allowable Sign Message: Signs may advertise the names of businesses which are located in the same project or development as the shared freeway-oriented sign and/or may advertise other eligible businesses subject to the other provisions of this section and the following:

a. If a project or development contains an on-site pole or pylon sign, no business within that project or development may advertise on an off-site sign.

b. If a project or development has an off-site pole or pylon sign, businesses within that project or development may only advertise on that off-site sign.

6. Use of Existing Off-site Pole or Pylon Shared Use Signs: A new pole or pylon sign shall only be approved when the Community Development Director determines that no pole or pylon sign exists which could reasonably advertise the uses in that new project. The determination of reasonableness shall include the following factors:

a. No sign exists on the same side of Highway 101 and in the vicinity of the new project which could advertise all eligible uses within the new project in addition to the existing message(s) on the sign and still adhere to the provisions of this section; and

b. The businesses currently advertised on the existing sign are not compatible with the businesses in the new project.

c. The only existing sign or signs suffer from age and economic obsolescence so that the sign or signs do not offer an equal advertising opportunity for new sign messages.

7. Provision of Additional Sign Messages: All new pole or pylon signs approved pursuant to the provisions of this section shall provide for the identification of future eligible off-site businesses unless it is determined by the Community Development Director that:

a. There is no future need for pole or pylon signage in the vicinity;

b. The capacity of the new sign for identification of future uses would be inadequate for any projected future off-site businesses in the vicinity; or

c. Future businesses would not be compatible with the businesses to be advertised on the new sign.

The owner of new signs which provide for identification of future businesses shall covenant with the City to develop and to offer additional panels on the sign to other eligible businesses pursuant to this Section, for the purpose of establishing a shared use sign. The owner of a new pole or pylon sign may charge a proportional share of the cost of installing and maintaining the sign to any business which subsequently shares the sign. (Ord. 1134 N.S. § 17, 1993; Ord. 1111 N.S. § 69, 1992; Ord. 560 N.S. § A (part), 1981)

18.76.280 Historical signs.

The city council may, from time to time, declare certain signs to be of historical value to the city; in this case, such signs shall be renamed "historical signs." Under such an official declaration, the appointed signs shall be exempt from any abatement regulations and may, therefore, remain at their present location for an indefinite period of time; providing, however, that such appointed signs are properly maintained by the property owner or sign user in accordance with Sections 18.76.310 and 18.76.320 of this chapter. (Ord. 560 N.S. § A (part), 1981)

18.76.290 Agricultural stand signs.**A. Definitions. As used in this chapter:**

1. "Agricultural stands" means any building or structure used for the sale of agricultural-oriented products such as fruits, nuts, vegetables and wine products. Such stand shall be located within the city limits.

2. "Agricultural stand sign" means and is defined as a sign providing only the name and location of the agricultural stand, and may list individual items sold.

B. Where Permitted. Agricultural stand signs are permitted in the HC highway commercial and OS open space zoning districts.

C. Restrictions.

1. No more than four such signs per agricultural stand shall be permitted within the city limits, one of which may be off-site.

2. No such sign shall exceed thirty-two square feet in area.

3. The bottom line of such sign shall be at least eighteen inches, but not more than eight feet above ground level immediately below. No such sign shall project into or over existing or future public right-of-way, as shown on the General Plan, of streets and highways, or as shown on adopted specific plans.

4. Such signs may be constructed of wood if located more than sixty feet from any building.

5. The applicant shall file with the building official the property owner's written consent to erect the sign.

D. Agricultural stands are permitted building attached and freestanding business identification signs, pursuant to subsection I of Section 18.76.250 and subsection A of Section 18.76.270 of this chapter, in addition to signs permitted in this section. (Ord. 560 N.S. § A (part), 1981)

18.76.300 Special sign districts.

For purposes of creating an integrated sign theme or for establishing redevelopment projects, special sign districts may be created by ordinance in response to petition by a majority of sign users within a district, and approved by a majority vote of the city council. Such districts shall be considered and voted upon by the planning commission with recommendation to the city council. However, those requirements set forth in Sections 18.76.230 through 18.76.270 of this chapter shall not be exceeded in any such special sign district. Those applicable procedures followed in land use changes shall be used in the establishment of such districts. (Ord. 1111 N.S. § 70, 1992; Ord. 560 N.S. § A (part), 1981)

Article V. Construction, Maintenance and Repairs

18.76.310 Building code compliance required.

All signs shall comply with the appropriate detailed provisions of the city building code and the Uniform Sign Code relative to design and construction, structural integrity, connections and safety. Signs shall also comply with the provisions of the applicable electrical code and the additional construction standards set forth in Section 18.76.320. (Ord. 560 N.S. § A (part), 1981)

18.76.320 Construction specifications.

A. Each sign hereafter erected or remodeled shall bear, in a permanent position, clearly legible identification decals stating the firm or corporation responsible for its construction and erection. Electric signs shall be marked with input amperages at the full-load input.

B. Each sign shall have a specified sticker provided by the building department that identifies the permit number that was originally issued by the building inspector, and such sticker must be visibly placed on the frame or outer perimeter of the sign.

C. No sign shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening, unless authorized by special user permit. No sign shall be attached in any form, shape or manner which will interfere with an opening required for ventilation, except in circumstances when not in violation of the building or fire prevention codes.

D. Signs shall be located in such a way that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the electrical code and the regulations of the Public Utilities Commission.

E. Certain signs shall be properly guttered and connected with downspouts to storm sewers, so that water will not drip or flow into public sidewalks or streets.

F. All permanent freestanding signs or poles shall be self-supporting structures erected on and permanently attached to concrete foundations. Such structures or poles shall be fabricated only from steel or other such materials as approved by the building code.

G. All signs of a building shall be constructed to withstand wind loads, acceptable to the building official.

H. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections. (Ord. 560 N.S. § A (part), 1981)

18.76.330 Maintenance and repair—Removal authorized when.

Every sign shall be maintained in a safe, presentable and good structural material condition at all times, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of the sign. If the sign is not made to comply with adequate safety standards, the building inspector shall require its removal in accordance with this section and Sections 18.76.340 through 18.76.360. (Ord. 560 N.S. § A (part), 1981)

18.76.340 Replacement after damage or use change.

When it is determined by the building inspector that a sign has been damaged beyond fifty percent of its serviceable value, or when the face or structure of the sign requires alteration or change because of a change in the nature of the business use which occupies a building structure, such sign must then be made to conform to all provisions of this chapter. (Ord. 560 N.S. § A (part), 1981)

18.76.350 Abandoned signs.

A. Except as otherwise provided, any sign which is located on property which becomes vacant and unoccupied for a period of sixty days or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. The building inspector shall prepare a notice which will describe the sign and specify the violation involved, and which shall state that if the sign is not removed or the violation is not corrected within ten days, the sign shall be removed by the building inspector in accordance with the provisions of this chapter. All notices sent by the building inspector shall be sent by certified mail.

B. Any person having an interest in the sign or the property may appeal the determination of the building inspector ordering removal or compliance by filing a

written notice of appeal with the planning commission within thirty days after receipt of the notice, if the notice was not mailed.

C. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned, unless the property remains vacant for a period of one hundred twenty days or more. (Ord. 560 N.S. § A (part), 1981)

18.76.360 Removal—Public safety emergency.

A. When it is determined by the building inspector that a sign shall cause imminent danger to the public safety, and contact cannot be made with a sign owner or building owner, no written notice shall have to be served. In this emergency situation, the building inspector may correct the danger. The building inspector shall cause to have removed any sign that endangers the public safety, such as abandoned, materially dangerous, electrically or structurally defective signs, or a sign for which no permit has been issued according to the provisions of this chapter.

B. Any sign removed by the building inspector pursuant to the provisions of this section and Sections 18.76.330 through 18.76.350 shall become the property of the city, and may be disposed of in any manner deemed appropriate by the city. The cost of removal of a sign by the city shall be considered a debt owed to the city by the owner of the sign and the owner of the property, and may be recovered in an appropriate court action by the city or by assessment against the property as provided in this code. The cost of removal shall include any and all incidental expenses incurred by the city in connection with the sign's removal. (Ord. 560 N.S. § A (part), 1981)

Article VI. Enforcement and Appeals

18.76.370 Administration—Community development director authority.

This chapter shall be administered by the community development director, who is authorized and directed to enforce all provisions of this chapter. The community development director is authorized to promulgate procedures consistent with the purpose of this chapter, and is further empowered to delegate the duties and powers granted to and imposed upon him under this chapter. (Ord. 560 N.S. § A (part), 1981)

18.76.380 Construction guidelines—Inspection.

Construction of all signs, and their attachment, is governed by the regulations of the Uniform Electrical Code, the Uniform Sign code, and this chapter, as adopted by the city, and shall be inspected and approved by the building inspector. (Ord. 560 N.S. § A (part), 1981)

18.76.390 Abatement for noncompliance.

The city, through its authorized agents, including the building inspector or any person as defined in this chapter, may initiate injunction or abatement proceedings or other appropriate action in a court of competent jurisdiction against any person who violates or fails to comply with any provision of this code, or the erector, owner or user of an unlawful sign, or owner of the property on which an unlawful sign is located, to prevent, enjoin, abate or terminate violations of this chapter and/or the erection, use or display of an unlawful sign. (Ord. 560 N.S. § A (part), 1981)

18.76.395 Variances.

The planning commission may approve signs which vary from the height or area requirements pursuant to Chapter 18.60 of Division I of this Title. Application for a variance shall be submitted by the property owner, or agent, to the community development department on a form prescribed for that purpose by the city. (Ord. 1111 N.S. § 71, 1992)

18.76.400 Appeal procedure.

Any person aggrieved by any decision or order of the community development director may appeal the decision or order to the planning commission. Appeals shall be in writing and must be filed within ten days of the date of the decision or order which is being appealed. Any person not satisfied with the decision of the planning commission may appeal the decision to the city council in writing submitted to the community development department within ten days of the date of the planning commission decision. (Ord. 1111 N.S., § 72, 1992; Ord. 899 N.S. § 23, 1989; Ord. 560 N.S. § A (part), 1981)

18.76.410 Violation—Notice—Penalty.

A. Any person who violates or fails to comply with any of the provisions of this chapter, or the erector, owner or user of an unlawful sign, or the owner of property on which an unlawful sign is located, shall be subject to penalties of an infraction, punishable by a fifty-dollar fine upon conviction for the first offense; one hundred dollars upon the second conviction within one year; and two hundred fifty dollars for the third conviction in the same year.

B. The community development department shall give notice of violation of this chapter by certified mail to the owner of the premises and business in violation; failure of the owner or business to comply with all the provisions of this chapter within thirty days of receipt of written notice of violation shall be punishable as an infraction as stated above. (Ord. 560 N.S. § A (part), 1981)

Animated Sign. Definition in subsection 3 of
Section 18.76.020.



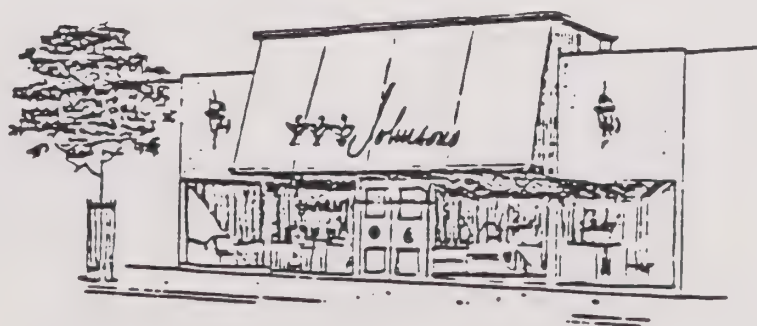
Awning. Definition in subsection 7 of Section
18.76.020.



Building Attached Sign. Definition in subsection 9 of Section 18.76.020.



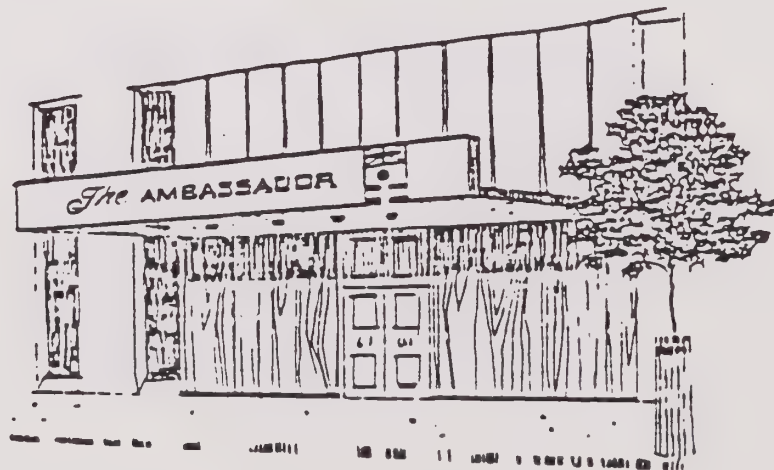
Building Face. Definition in subsection 10 of Section 18.76.020.



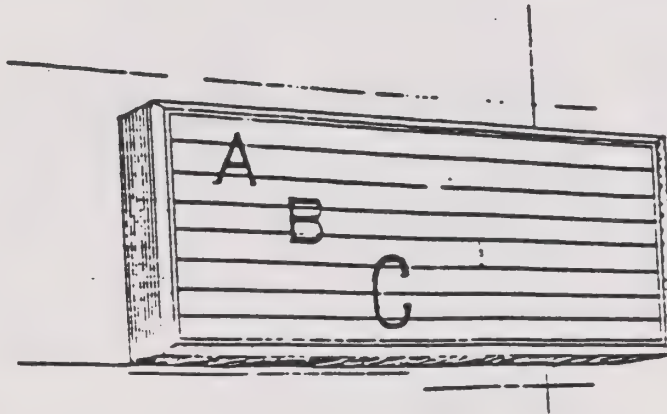
Building Frontage. Definition in subsection 11 of
Section 18.76.020.



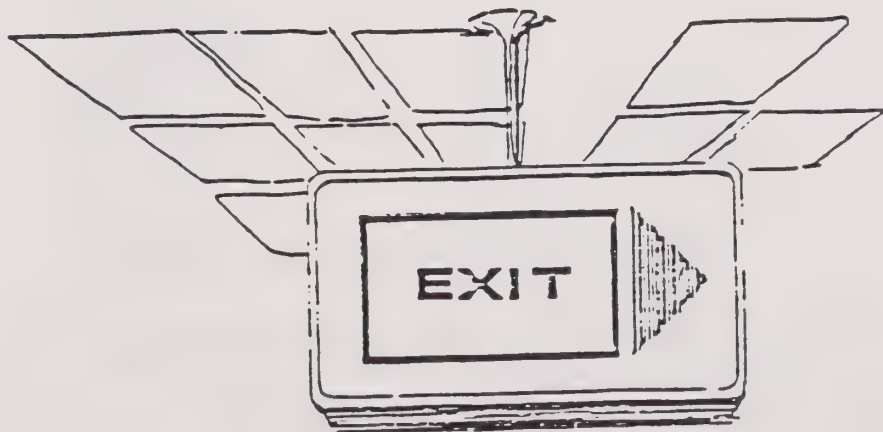
Canopy or Marquee. Definition in subsection 14
of Section 18.76.020.



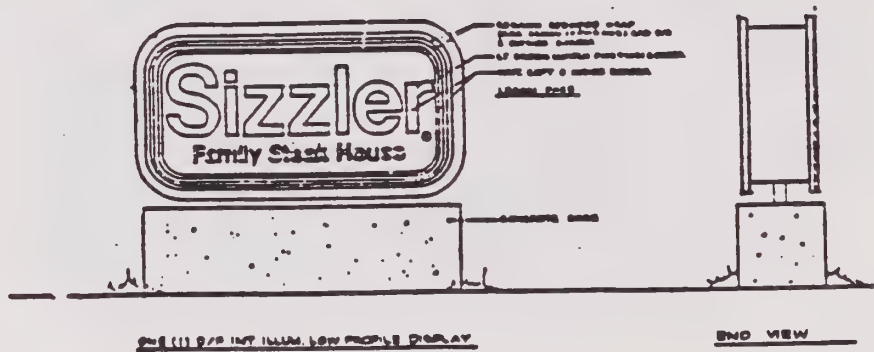
Changeable Copy Sign. Definition in subsection 15 of Section 18.76.020.



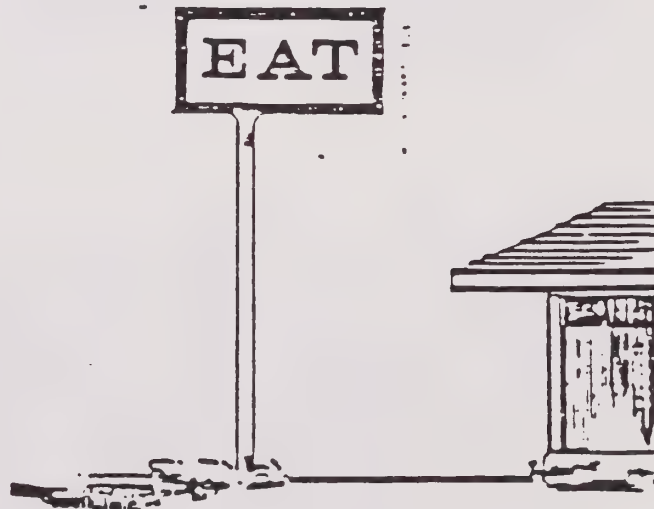
Directional Sign. Definition in subsection 19 of Section 18.76.020.



Freestanding Signs (including monument signs and pole signs). Definition in subsection 24 of Section 18.76.020.

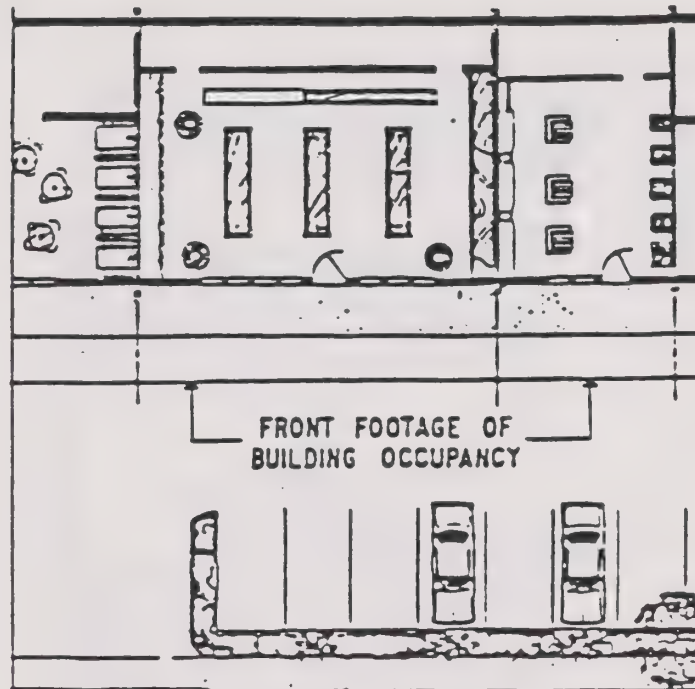


A. / MONUMENT SIGN



B. POLE SIGN

Front Footage of Building Occupancy. Definition
in subsection 25 of Section 18.76.020.



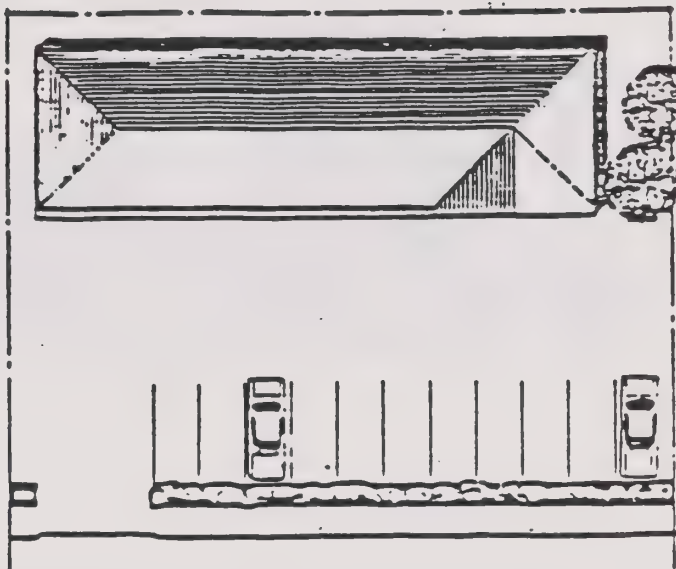
Moving Sign. Definition in subsection 33 of Section 18.76.020.



Off-site Sign. Definition in subsection 36 of Section 18.76.020.



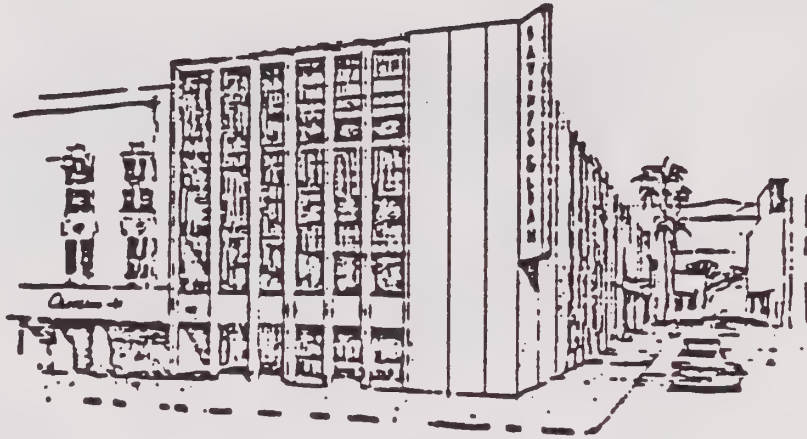
Parcel of Property. Definition in subsection 39 of Section 18.76.020.



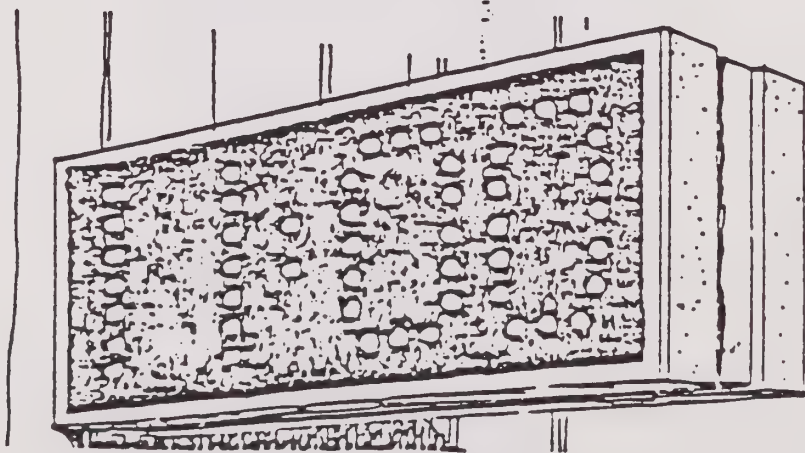
Portable Sign. Definition in subsection 42 of Section 18.76.020.



Projecting Sign. Definition in subsection 44 of
Section 18.76.020.



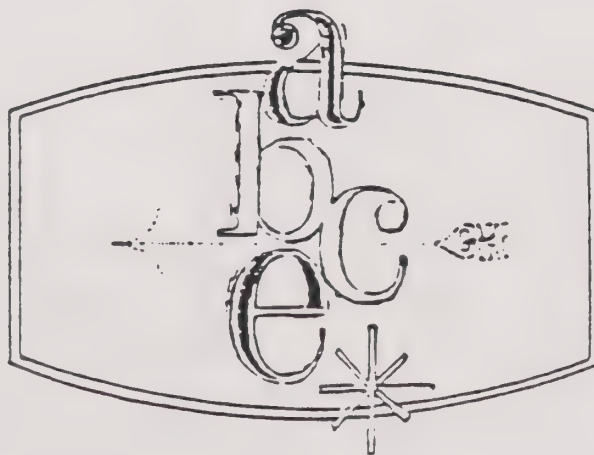
Public Service Information Sign. Definition in
subsection 45 of Section 18.76.020.



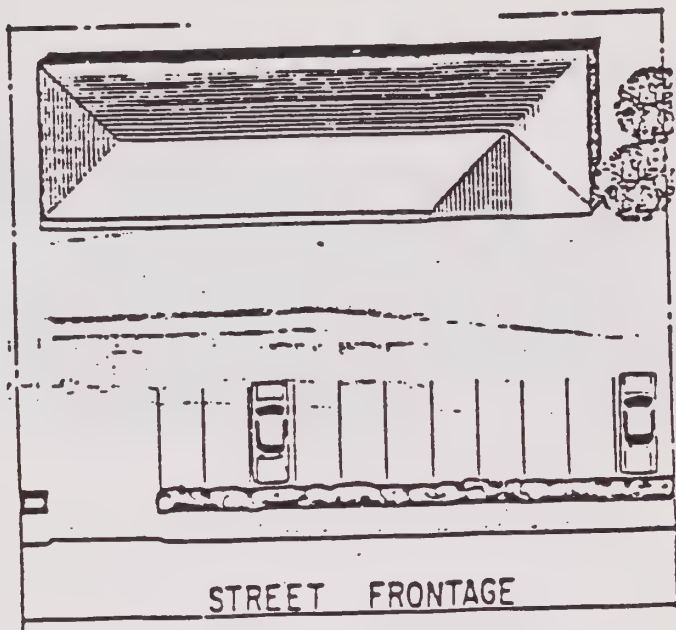
Roof Sign. Definition in subsection 48 of Section
18.76.020.



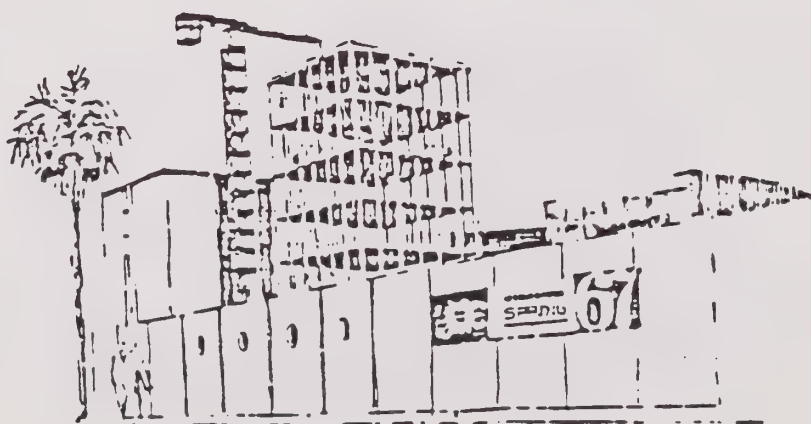
Sign. Definition in subsection 50 of Section
18.76.020.



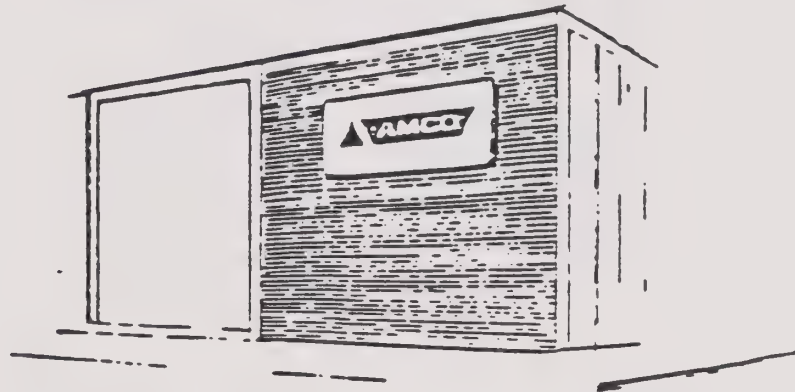
Street Frontage. Definition in subsection 51 of Section 18.76.020.



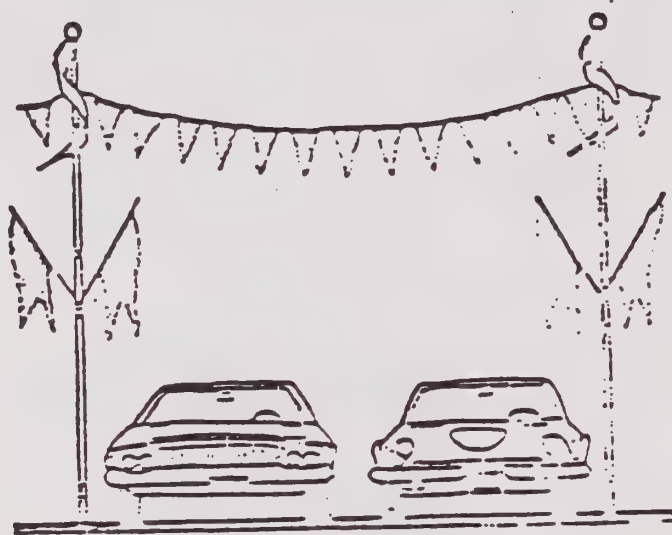
Temporary Sign. Definition in subsection 53 of Section 18.76.020.



Wall Sign. Definition in subsection 60 of Section
18.76.020.



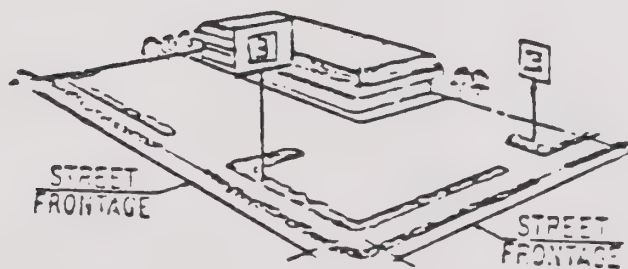
Prohibited Signs. Description in subsection 20 of
Section 18.76.130, banners and pennants.



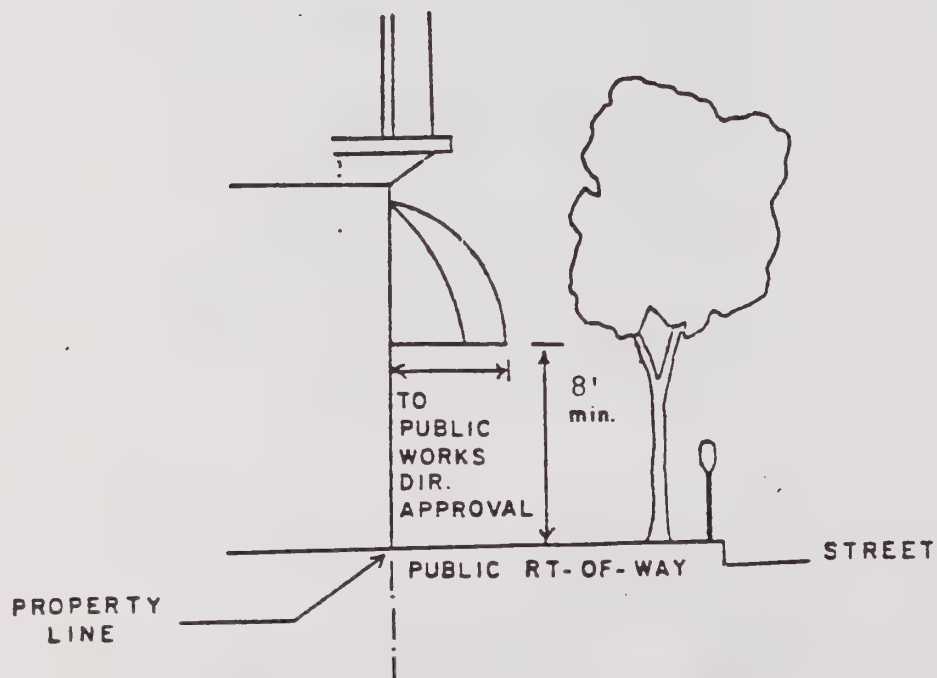
Prohibited Signs. Description in subsection 22 of Section 18.76.130, signs on vehicles.



Street Frontage and Sign Area. Description in subsection C of Section 18.76.180.



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Chapter 18.78

RESIDENTIAL DEVELOPMENT CONTROL SYSTEM

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*Editor's note: Measure E provisions, formerly codified as §§ 18.78.010 through 18.78.170, have been repealed and replaced by Ord. 1010 N.S., codified in this chapter as §§ 18.78.010 through 18.78.175.

Article I. Initiative Provisions

Part 1. Findings and Purposes

18.78.010 Findings and purposes.

The people of the city of Morgan Hill, hereinafter called "the city," find and declare as follows:

A. 1. Rapid residential growth is a matter of continuing concern to the people of the city;

2. The burdens on city services and related problems associated with the city's explosive growth between 1975 and 1977 led to the adoption of Measure E by voters of the city in 1977. Measure E set a target population of thirty thousand for the year 2000, and established the residential development control system (RDCS), providing a method for evaluating proposed developments and issuing a limited number of development allotments each year;

3. Since passage of Measure E, however, the city's population growth rate has remained high and in the last five years has been the highest in Santa Clara County. It has been projected that Morgan Hill will reach its year 2000 population goal of thirty thousand well before the year 2000. In 1988, the city's population grew 6.25 percent, as compared with the county's overall rate of 1.29 percent. The next two fastest growing cities were Milpitas (3.34 percent) and Gilroy (2.97 percent). The city's high rate of development continued in 1989 and has shown no signs of diminishing. Morgan Hill has been, and continues to be, accommodating more than its fair share of regional growth.

B. Continuing rapid expansion over the last several years and expected future growth in the city threaten to overwhelm the city's ability to provide municipal services. For example:

1. The Morgan Hill Unified School District (MHUSD) has been forced to install temporary classrooms and facilities to handle increased school enrollment and has exceeded school site capacity;

2. The city's sewer capacity is near exhaustion with long lead times to provide for additional capacity;

3. In 1989, a combination of doubling the water rates and voluntary water conservation was necessary to achieve a reduction in water usage for the present city water users; again in March 1990, because of continued water shortages, the Santa Clara Valley Water District has recommended to the city that it reduce water consumption by twenty-five percent;

4. Greatly increased traffic within the city has caused congestion on city streets and at major intersections;

5. Demands on the city's police and fire protection forces continue to increase with the increasing population growth and expansion of the city's area.

C. Extensive exploitation by developers of exemptions from Measure E requirements has allowed continued high growth rates despite the Measure E controls. Of the nine hundred eight dwelling units scheduled to be built by fiscal year 1990/1991, nearly half (four hundred fifty-two) are exempt from the RDCS. The result has been a widespread impression among the voters of the city that the Measure E limits are not being observed. There is a need to tighten up the loopholes of Measure E.

D. The provision of Measure E requiring equal numbers of annual development allotments to the areas to the east and west of Monterey Road has led to development allotments being awarded to projects to the west of Monterey Road that scored lower than the scores of rejected applications for projects on the east side of Monterey Road. This provision should be modified.

E. As a matter of fairness and policy, residential development should pay for itself. Developers must be required to provide funds and improvements necessary to provide all needed services to their development projects.

F. Development outside the city boundaries, as well as within the city, adversely affects the city's level of services and quality of life. Proposed developments outside the city's urban service area, for example, would impose additional burdens on schools and city services, and add to traffic congestion in and around the city. In addition, this type of "leapfrog" development, on property not contiguous with existing developed land, contributes to urban sprawl, and can reduce the vitality of the city's urban center. Such leapfrog development should be discouraged, as it is an inefficient way to develop, and opposes greater burdens on the community than "in-fill" development with the city's existing urban service area.

G. 1. Within the city and its urban service area there are currently about two thousand acres of undeveloped, residentially developable land. This stockpile of land within the boundaries of the city and its urban service area will support twenty-five to

thirty years worth of residential development, based on present growth projections. The indiscriminate continued expansion of the city and urban service area boundaries further imbalances the jobs to housing ratio (only one job per 1.6 houses currently), adversely affects the city's ability to maintain its level of services, can adversely affect the quality of life in the city, and is not necessary to meet the city's fair share of regional growth;

2. The people of Morgan Hill are therefor opposed to any further expansions of the city and its urban service area until such time as expansion is needed to support projected growth for the next five years. This five-year horizon is consistent with the provisions of the Santa Clara County general plan, the South County joint area plan, and the Morgan Hill general plan;

3. The people of Morgan Hill recognize that under the Cortese-Knox Act, the Local Agency Formation Commission (LAFCo) makes final decisions regarding urban service area boundaries, and that the provisions of the Cortese-Knox Act are controlling. For the purposes of (a) mandating city policy in those instances in which the city has discretion under the Cortese-Knox Act, and (b) advising the LAFCo of the city's position in those contexts in which it is relevant to LAFCo's exercise of its discretion, the people go on record as opposing further expansion of the boundaries of the city and its urban service area, except as necessary to maintain an area sufficiently large to provide for five years' worth of future growth.

H. The unique character of the city depends on its rural surroundings. In order to maintain this rural atmosphere, provide a buffer against development and preserve a greenbelt legacy for future generations, the city must take steps to preserve open space and agricultural lands and public parklands in and around the city.

I. The report dated July 1988 prepared for the city by Economic Research Associates predicts the city will attain a population of thirty-eight thousand eight hundred by January 1, 2010. This projection is based on a 2.6 percent compounded annual growth rate from 1987 to 2010, a rate that exceeds the present and projected growth rate for Santa Clara County, and more than meets the city's fair share of regional housing needs.

J. Because city services such as water are finite and limited, and because development on the outskirts of the city causes the delivery of needed services to be more expensive and difficult, the rate of population growth of Morgan Hill should not be increased when lands are added to the city or its urban service area. (Ord. 1010 N.S. § 1, 1990)

Part 2. Residential Development Control

18.78.020 Development allotments—Required when.

For the years to and including fiscal year 2009/2010, no residential development shall be undertaken, and no discretionary permit or building permit shall be issued, in the city unless a development allotment has been obtained therefor in accordance with the provisions of the general plan and the residential development control system (RDSCS) set out in Parts 2 and 3 of this article, except one-dwelling unit developments which are not part of a current, planned or potentially larger subdivision, and except secondary dwelling units ("granny units"). The residential development control provisions of Part 2 of this article shall apply to all types of residential development in the city, including single-family (which includes mobile homes) and multifamily housing. (Ord. 1010 N.S. § 2 (A), 1990)

18.78.030 Development allotments—Determination and distribution.

A. The population ceiling for the city as of January 1, 2010, is thirty-eight thousand eight hundred. This ceiling shall not be increased, regardless of whether additional lands are added to the city or its urban service area. The increased burden on city services imposed by development outside the present city limits adversely affects the city's ability to provide services to developments within the present city limits.

B. The number of residential development allotments for any fiscal year shall be limited to a number equal to the desired annual population increase for that fiscal year divided by the occupancy level per dwelling unit. For purposes of this determination, the annual desired population increase shall be equal to the difference between twenty-eight thousand eight hundred and the population of the city on January 1st of the previous fiscal year, divided by the number of years remaining between the previous fiscal year and fiscal year 2009/2010. The population of the city on January 1st of the previous fiscal year shall be equal to the most recent population determination by the California State Department of Finance. The occupancy level per dwelling unit, for purposes of calculation of annual allocations, shall be determined by the state's Department of Finance estimate for the city.

C. The number of development allotments shall be divided between conventional single-family dwellings, mobile homes and multiple-family dwellings in a manner determined each year by the city council; provided, that no less than thirty-three percent of all allotments shall be awarded to single-family dwelling units. The number of affordable/elderly dwelling units shall be assigned in a manner consistent with state law for the total number of allotments to be assigned for that year. No less than one-third of the total annual allotments shall be awarded to developments to the east of Monterey Road and no less than one-third of the total annual allotments shall be awarded to developments to the west of Monterey Road, with the remainder distributed on the basis of points received and without regard to the east/west distribution. The city council may, if it chooses, further divide the allotments according to geography, price, development size, and similar criteria as deemed necessary to provide for the general welfare. (Ord. 1010 N.S. § 2 (B), 1990)

18.78.040 Development allotments—Applications and evaluations.

A. The annual development allotments shall be allocated to proposed developments in accordance with a residential development control system set out in Part 3 of this article. This system shall provide for awards of development allotments based on the number of points scored for all development proposals for each year. The point scale used shall take into account the impact of the proposed development on the following public facilities and services: schools, water supply system, sanitary sewer and treatment plant, drainage and runoff, fire and police protection, traffic and other municipal services.

B. Proposed developments shall be awarded points for provision of schools, related facilities, open space, orderly and contiguous development, public facilities, parks and trails, low-income and moderate-income housing and housing for the elderly, diversity of housing types, and for quality of architectural design and site design.

C. Small residential developments provide special benefits to the city by encouraging local developers, providing design variety, and promoting utilization of smaller lots. These developments do not impose as high a burden on municipal services as do larger projects, because their demands are incremental and they tend to be in-fill developments. Such small developments may be unable to compete with larger developments in terms of the levels of amenities provided. In order to treat small developments in a manner reflecting their benefits to the community, the residential development control system shall be designed to provide for small development through

appropriate means selected by the city council, such as a separate small project competition and a more streamlined and less costly process.

D. In implementing the provisions of the residential development control system and making awards of development allocations, the city council shall comply with Government Code Sections 6600 et seq. (Ord. 1010 N.S. § 2 (C), 1990)

18.78.050 Emergency situations—Restrictions on development.

No residential development shall be permitted during a period of emergency or severe impaction of public facilities, as declared by the city council pursuant to provisions of this code. The declaration of an emergency or severe impaction situation may be based on determinations of emergency overcrowding of the schools, mandatory water rationing, sewage system operating at ninety-five percent capacity, or other endangerment to the public health, safety or welfare. The council shall, in implementing this provision, comply with the provisions of Government Code Section 65858. (Ord. 1010 N.S. § 2 (D), 1990)

18.78.060 Open space conversions.

A. No development allocations shall be awarded for a development proposal pursuant to this chapter and the RDCS unless the public benefits included in the proposal are secured in a permanent and enforceable manner. Lands that are designated for private or public open space, greenbelts, parks, paths, trails, or similar scenic and recreational uses in a residential development allotment application under Part 2 of this article shall, once the application is approved, be limited to the uses specified in the application, through the use of permanent dedications, easements or similar devices.

B. With respect to development allocations already awarded, wherever legally possible, no further building permits shall be granted for a project until such public benefits specified in the development application, particularly but not exclusively open space dedications, have been secured in a permanent and enforceable manner.

C. The lands within the city that are designated "open space" on the city's general plan land use/circulation elements map, as amended through March 1, 1990, are reaffirmed and readopted through fiscal year 2009/2010. This provision shall not prevent the city council from designating additional lands as open space. (Ord. 1010 N.S. § 2 (E), 1990)

18.78.070 Urban service area restrictions.

A. The city shall neither apply to LAFCo, nor otherwise request or support, the addition of any land to its urban service area, until such time as the city council finds that the amount of undeveloped, residentially developable land either to the east of Monterey Road or to the west of Monterey Road within the existing urban service area is insufficient to accommodate five years' worth of residential growth for the land on that side of Monterey Road. The projected rate of growth for purposes of this determination shall be the rate of growth provided for by the general plan and the RDCS, set out in Parts 2 and 3 of this article. After making such a finding of space insufficiency, the city may support the addition to the urban service area of land only on the side of Monterey Road having the insufficiency, and only to the extent necessary to support five or fewer years of growth on that side of Monterey Road.

B. The city council may formulate standards by which it may make exceptions to subsection A of this section for desirable in-fill. "Desirable in-fill" means a tract of land not exceeding twenty acres and abutted on at least two sides by the city or abutted on one side by the city and having two other sides within a quarter-mile of a city boundary, as determined by a perpendicular line drawn from the side of the parcel to the city boundary, and whose inclusion into the urban service area would not unduly burden city services and would beneficially affect the general welfare of the citizens of the city. The standards set up for granting such exceptions must include criteria to prevent repetitively granting exceptions to the same applicant, development or parcel.

C. Part 2 provisions of this article are not intended, and shall not be applied, to restrict or constrain the discretion of the LAFCo, nor to prevent any action required by the Cortese-Knox Act or by any court judgment.

D. Because of the shortage of services and resources facing the city (e.g., water, sewer, schools, streets, fire and police protection), and in order to assure that such services and resources are not unduly burdened further, urban sprawl and noncontiguous development must be discouraged. Therefore, for any land added to the urban service area between March 1, 1990, and the effective date of the ordinance codified in this chapter and not considered in-fill as defined in subsection B of this section, the city shall not provide urban services to support any development at a higher density than is provided for in the Santa Clara County general plan as of March 1, 1990. (Ord. 1010 N.S. § 2 (F), 1990)

18.78.080 Urban services extensions.

The city shall grant no new extensions of urban services for residences beyond its urban service area except in the event that:

A. Morgan Hill has entered into a mutual aid or reciprocal emergency agreement for police, fire or other emergency services to be provided by city facilities on county land; or

B. An owner of an existing development requests an extension due to the failure of an existing septic system or well and the city council makes a finding that denial of services to that development would have a direct adverse impact on the public health and safety. (Ord. 1010 N.S. § 2 (G), 1990)

Part 3. Residential Development Control System

18.78.090 Application—Procedure and contents—Fees.

A. An application for a development allotment shall be made to the city planning department on a form provided by the city. Such application shall contain the following information and be accompanied by the following documents:

1. Site utilization map including:
 - a. Vicinity map to show the relationship of the proposed development to adjacent development, the surrounding area and the city,
 - b. Site use layout map showing the extent, location and type of proposed residential use or uses, the nature and extent of open space, and the nature and extent of any other uses proposed. The site use layout map is of major importance; the vicinity map may be shown as a small inset map;
2. Site development plan including lot layout to preliminary subdivision map standards; topography; lot sizes; street alignments showing coordination with city street system; existing and proposed buildings, trees, landscaped areas; open space; bicycle paths, equestrian trails or pathways;
3. Preliminary architectural plans including typical architectural elevations, types and numbers of dwelling units, proposed color of buildings;
4. Preliminary grading plans including a general indication of type, extent and timing of grading;

5. Preliminary landscape plans including general indications of planting;
 6. Housing marketability and price distribution including expected ranges of rental amounts or sales prices, low-income and moderate-income housing to be provided, and applicability to housing assistance plan, if any;
 7. Schools and other public facilities including needed schools, permanent or relocatable, or school impact mitigation measure to be provided. Other needed public facilities to be provided, if any, such as critical linkages in the major street system, or other vital public facilities;
 8. Development schedule including proposed schedule of development including phasing;
 9. Financial information including financial information sufficient to enable the city to determine if the project has a reasonable chance of being undertaken and completed if a development allotment is awarded;
 10. Such other information as may be required by the planning director.
- B. Each application shall be accompanied by a reasonable fee set by the city council based on the cost to the city of the processing of the application. Such fee is in addition to any other fees such as rezoning fees, annexation fees, etc., and shall not be returned in the event that no development allotment is awarded.
- C. An applicant may file only one application for any given property in any given year.
- D. An application for a development allotment shall be filed with the community development department no later than November 1st of the fiscal year preceding the award of allotment. (Ord. 1022 N.S. § 1, 1991; Ord. 1010 N.S. § 3 (A), 1990)

18.78.100 Application—Evaluation by planning officer.

- A. The planning officer (hereinafter referred to as PO) shall review each application and determine whether or not the proposed development conforms to the city's general plan. If the PO determines that a proposed development does not conform to the general plan, the application shall be rejected. The applicant shall be given a notice of such rejection within fifteen days after the submission of his application. Such notice shall be given by the PO by mailing a copy of the notice to the applicant at his address as shown in the application.

B. Within fifteen days after such notice is mailed, the applicant may appeal the decision of the PO to the city council by filing a written notice of appeal with the city clerk, who shall place the matter on the next agenda for a regular council meeting. The city council shall consider the appeal at such regular meeting, and shall either affirm the decision of the PO to reject the application on the basis of nonconformity with the plans, reverse the decision by finding that the proposed development is in conformity with the plans, or permit the applicant to modify his proposed development to bring it into conformity with the plans. The decision of the council shall be final and conclusive. (Ord. 1010 N.S. § 3 (B), 1990)

18.78.110 Evaluation procedures—Generally.

Proposed developments found by the PO or city council to conform to the general plan shall be evaluated by the PO and awarded points as set forth in Section 18.78.115. The planning commission shall establish a specific set of standards and criteria to direct the PO in assigning points under each category in Sections 18.78.115 and 18.78.120. The PO shall submit his evaluation to the planning commission and the commission shall approve, disapprove or modify the PO's evaluation by simple majority vote. (Ord. 1010 N.S. § 3 (C) (part), 1990)

18.78.115 Evaluation procedures—Impact on existing facilities—Point system.

A. Each proposed development shall be examined for its relations to and impact upon local public facilities and services.

B. The appropriate city department or outside public agencies shall provide recommendations to the PO and the PO shall rate each development by assigning from zero to two points for each of the following:

1. The capacity of the appropriate school to absorb the children expected to inhabit a proposed development without necessitating or adding to double sessions or other unusual scheduling or site or classroom overcrowding (written evaluation of the MHUSD);

2. The ability and capacity of the water system to provide for the needs of the proposed development without system extensions beyond those which the developer will consent to provide (comments of the city director of public works);

3. The ability and capacity of the sanitary sewer distribution and treatment plant facilities to dispose of the waste of the proposed development without system extensions beyond those which the developer will consent to provide (comments from the city director of public works);

4. The ability and capacity of the drainage facilities to adequately dispose of the surface runoff of the proposed development without system extensions beyond those which the developer will consent to provide (comments from the Santa Clara Valley Water District and the city director of public works);

5. The ability of the city fire department to provide fire protection according to the established response standards of the city without the necessity of establishing a new station or requiring addition of major equipment to an existing station, and the ability of the police department to provide adequate patrols for residential and traffic safety without the necessity of acquiring new equipment or personnel (comments from the fire and police departments);

6. The ability and capacity of major street linkage to provide for the needs of the proposed development without substantially altering the existing street system (the desired target traffic level of service being no worse than "C" level service as defined in the 1985 Transportation Research Board Report # 209), and the availability of other public facilities (such as parks, playgrounds, etc.) to meet the additional demands for vital public services without extension of services beyond those provided by the developer (comments from the appropriate department heads). (Ord. 1010 N.S. § 3 (C) (1), 1990)

18.78.120 Evaluation procedures—Design and amenity criteria.

On quality of design and extent of contribution to public welfare and amenities, the PO shall examine each proposed development and shall rate each development by the assignment of no more than the maximum number of points allowable on each of the following:

A. The provisions of needed schoolrooms in the form of permanent or relocatable buildings or the provision of other mitigating measures as attested by agreement with the MHUSD. A minimum of one-third of the points in this category shall be reserved for criteria such as the development's impact on existing bus routes, or classroom or site overcrowding 25 points;

B. The provision of public and/or private usable open space and, where applicable, greenbelts 20 points;

- C. The extent to which the proposed development accomplishes an orderly and contiguous extension of existing development rather than leapfrog development, by using land contiguous to urban development within the city limits or near the central core and by the filling in on existing utility lines rather than extending utility collectors. 20 points;
- D. The provision of needed public facilities such as critical linkages in the major street system, or other vital public facilities 10 points;
- E. Provision of parks, foot or bicycle paths, equestrian trails or pathways 10 points;
- F. The provision of units to meet the city's need for low-income and moderate-income and elderly housing and the extent to which such provision meets the goals of the housing element of the general plan including the distribution of housing types to provide neighborhoods of ethnic and economic diversity 15 points;
- G. The extent to which the proposed development itself consists of a diversity of housing types to meet the goals of the housing element of the general plan .15 points;
- H. Architectural design quality as indicated by the quality of construction and by the architectural elevations of the proposed buildings judged in terms of architectural styles, size and height 15 points;
- I. Site design quality as indicated by lot layout, orientation of the units on the lots, and similar site design considerations 15 points;
- J. Site and architectural design quality as indicated by the arrangement of the site for efficiency of circulation, on-site and off-site traffic safety and privacy 15 points;
- K. Site and architectural design quality as indicated by the amount of private safety and security provided in the design of the individual structures 5 points;
- L. Site and architectural design quality as indicated by the amount and character of landscaping and screening and color of buildings 10 points;
- M. Site design quality in adapting the development to the setting, including the preservation of vegetation, trees, natural terrain, and other natural and environmental features 15 points.
- (Ord. 1010 N.S. § 3 (C) (2), 1990)

18.78.125 Award and issuance of allotments.

A. The PO shall notify each applicant of his evaluation under Sections 18.78.110 through 18.78.120. Such notice shall be given in writing within seven days after the evaluation has been approved by the planning commission by mailing a copy of such notice to the applicant at his address as shown in his application. At the same time, the PO shall notify in writing the MHUSD and all other city departments and public agencies which provided input for the evaluation under Sections 18.78.110 through 18.78.120 of the result of that evaluation.

B. Proposed developments which have not been assigned a minimum of nine points under Section 18.78.115 or a minimum of one hundred twenty-five points under Section 18.78.120 shall not be given a development allotment. Any applicant whose proposed development has not been given the required number of points may appeal the matter of allotment evaluation to the city council as provided in Section 18.78.130.

C. Subject to the limitations set forth in this subsection and subsection F of this section, proposed developments which have received a minimum of nine points under Section 18.78.115 and a minimum of one hundred twenty-five points under Section 18.78.120 may be awarded an allotment for the following fiscal year. Where the number of residential units in proposed developments which have received the required number of points for a development allotment (either by planning commission's determination or by city council's determination on appeal) exceed the numerical limits established by the city council by housing-type category, development allotments for which the council-established numerical limit has thus been exceeded shall be awarded on the basis of the number of points received under Section 18.78.120 starting with those proposed developments receiving the most evaluation points for the affected housing-type category and proceeding in order down the list until the numerical limit established by the council has been reached. Where allotments are made on the basis of comparative standing on the list, any applicant who has received the required minimum number of points, but who is not high enough on the list to receive a development allotment, may appeal the matter of allotment evaluation to the city council as provided in Section 18.78.130.

D. Allotments for the next fiscal year shall be issued by April 1st of the preceding year and shall be limited to those applicants whose evaluations under Sections 18.78.110 through 18.78.120 are completed at least thirty days prior to the date of the issuance of allotments and whose application or evaluation is not being appealed to city council either by the applicant or by any other interested party at the time the

allotments are issued. Allotments shall be awarded for no more than two fiscal years in a single competition.

E. Any applicant whose development evaluation has been completed and where any appeals, if applicable, have been resolved and who does not receive an allotment for the fiscal year will not be considered automatically for the subsequent fiscal year, but must reapply under Section 18.78.090 for the next or subsequent fiscal year.

F. If an applicant desires approval of residential units in a single-residential development to be phased over more than one fiscal year, the applicant may apply to the city council for such approval. The city council may give such approval if it is demonstrated that the proposed project, if limited to one fiscal year, is not economically feasible because of the required off-site or other improvements required and other factors beyond the developer's control. The applicant shall be given the necessary additional allotments to complete the project in the next fiscal year; however, these additional allotments shall be considered a portion of the limited allotment for that next fiscal year.

G. To ensure that growth is orderly and not sporadic, dwelling units that are allocated for one fiscal year and not physically commenced according to an approved development schedule by the end of that fiscal year, shall lose their allocation and must reapply under the development allotment process outlined in Section 18.78.090 if development is still desired by the developer. An exception to the loss of allocation may be granted by the city council if the cause for the lack of commencement was the city's failure to grant a building permit for the project due to an emergency situation as defined in Section 18.78.140, or extended delays in environmental reviews, permit delays not the result of developer inaction, or allocation appeals processing. (Ord. 1010 N.S. § 3 (D), 1990)

18.78.130 Appeal procedures.

A. An applicant may appeal to the city council pursuant to subsections B or C of Section 18.78.125 by filing a written notice of appeal with the city clerk within ten days after the notice of evaluation has been mailed.

B. The MHUSD or other public agencies which provided input for the evaluation under Sections 18.78.110 through 18.78.120 may appeal to the city council the evaluation under Sections 18.78.115 and 18.78.120 within thirty days after notice has been mailed as described in Section 18.78.125 (A).

C. Any citizen or group of citizens may appeal to city council the evaluation of any applicant by filing with the city clerk a petition signed by one hundred registered voters of the city within thirty days after the notice of evaluation has been mailed to the applicant.

D. In the event an appeal is filed under subsections A, B or C of this section, the city clerk shall place the matter on the next agenda for a regular council meeting. The city council shall consider the appeal at such regular meeting at which time the council will hear the applicant or his representative and such other persons as may be able to assist the council in the determination of the matter on appeal. The council may affirm or modify the allotment evaluation and its decision shall be final and conclusive. (Ord. 1010 N.S. § 3 (E), 1990)

18.78.140 Emergency situations—When declared—Action and review by council.

A. An emergency or severe impaction situation shall be any one or more of the following:

1. A finding by the director of public works that the sewage facility usage level exceeds ninety-five percent of the capacity of the system;
2. Mandatory city water-rationing measures in effect;
3. Schools in MHUSD on "double sessions," or the MHUSD has declared that an emergency overcrowding exists. "Emergency overcrowding" may be declared for one or more schools, based on criteria established by the MHUSD, including, but not limited to, a specified percent of student enrollment beyond a determined capacity of the affected schools;
4. The MHUSD or other public agency providing services essential to the public health and safety notifies city council in writing or by resolution that its ability to meet the public needs is severely impacted;
5. Any other endangerment to public health, safety or welfare which the city council determines to exist for the purposes of Part 3 of this article.

B. If any of these specified conditions exist, then the city council shall certify an emergency or severe impaction situation.

C. In addition, any citizen or group of citizens may petition the city council for declaration of an imposition of an emergency or severe impaction situation by filing with the city clerk a petition signed by the greater of five hundred or four percent of the registered voters of the city. The city council, at their next regularly scheduled meeting, must then vote on a resolution of emergency or severe impaction situation. Certification

and decertification of a petitioned emergency condition requires a minimum of three affirmative votes for passage.

D. In the event such an emergency or severe impactation is certified, no building permit and no allotment shall be issued unless the city council first specifically finds that the building permit or specific allotment allocation will not contribute additionally to the existing emergency or severe impactation situation, or that the building permit or specific allotment has adequately mitigated its additional impact.

E. The PO shall review all certified emergency or severe impactation situations at least quarterly, and shall determine whether conditions warrant continuation of the emergency or severe impactation. The PO shall report his findings to the city council, and notice of such findings shall be placed on the city council agenda and published in a newspaper of general circulation. If the city council finds, based on the PO's report, that the certified emergency or severe impactation situation no longer exists, it shall decertify the emergency.

F. In implementing Part 3 of this article, the city council shall comply with the provisions of Government Code Section 65858. Where those provisions conflict with this article, the state statute shall prevail. (Ord. 1010 § 3 (F), 1990)

18.78.150 Quarterly progress review—Failure to comply.

A. The planning officer shall review, on a quarterly basis, each proposed development which has received a development allotment to determine whether satisfactory progress is being made with the processing of the appropriate plans with the planning department.

B. Should a developer fail to comply with the development schedule submitted with his application or as agreed with the city staff and council, or should he fail to initiate the processing of the appropriate plans, or should the development deviate below the points awarded for its initial application, the PO shall report such failure or deviation to the city council which, after holding a hearing, may rescind all or part of the development allotment in favor of the next development on the list which has qualified for such allotment and which is capable of commencement in the fiscal year. (Ord. 1010 N.S. § 3 (G), 1990)

Part 4. General Provisions

18.78.155 Duration of provisions.

This article shall remain in effect until and including fiscal year 2009/2010. (Ord. 1010 N.S. § 5, 1990)

18.78.160 Compliance with state and federal laws.

The provisions of this article shall not apply to the extent, but only to the extent, that they would violate the Constitution or laws of the United States or the state of California. (Ord. 1010 N.S. § 6, 1990)

18.78.165 Severability.

A. If any provision or application of any provision of this article is held unconstitutional or violative of any state or federal law, the invalidation shall not affect the validity of any other provision or application of any provision. The voters of Morgan Hill declare that the provisions and applications of the provisions of this article are severable and would have been enacted as they were even though any other provision or application or applications are held unconstitutional or otherwise violative of law.

B. It is the intent of the voters of Morgan Hill, by enactment of this article, to extend and expand the essential residential development control provisions and policies of Measure E. If this article is held invalid in its entirety, then the provision of Section 4 of the ordinance codified in this article repealing Measure E shall be inoperative, and Measure E shall remain in effect, as previously codified.

C. If any provision of Part 2 or 3 of this article is held invalid, the remainder of the ordinance codified in this article shall be given effect, and to the maximum extent feasible, shall be combined with the provision or provisions of Measure E that correspond to the invalidated provision. Thus, the repeal of Measure E, provided for in Section 4 of the ordinance codified in this article, shall be inoperative with respect to those provisions of Measure E corresponding to any invalidated provisions of the ordinance codified in this article. (Ord. 1010 N.S. § 7, 1990)

18.78.170 Unconstitutional taking of private property prohibited.

This article shall not operate to deprive any landowner of substantially all the market value of his property or otherwise constitute an unconstitutional taking without compensation. If application of the provisions of this article to a specific project would effect a taking, then pursuant to this article the city council may alter the provisions of this article, but only to the extent necessary to avoid such a taking. Any such adjustments shall be designed to carry out the goals and provisions of this article to the maximum extent feasible. (Ord. 1010 N.S. § 8, 1990)

18.78.175 Amendment or repeal.

This article, including the amendments to the general plan and municipal code, may be amended or repealed only by the voters of the city at a municipal election. (Ord. 1010 N.S. § 9, 1990)

Article II. Specific Policies

18.78.180 Background.

A. The residential development control system was adopted in response to the need to establish a growth rate in Morgan Hill that is conducive to orderly and controlled residential development. The success of any growth-management system depends upon how well it addresses and exemplifies the goals of the general plan, as well as other adopted city ordinances and documents. Any requirements made by this system shall use existing city plans and policies, as well as exploring innovative means to facilitate its implementation.

B. The residential development control system is a competitive qualifying process intended only to compare projects and allow the highest scoring projects to proceed on in the development process. Developers and city staff should not construe it as a design review or an absolute approval with any entitlement other than the right to file a tentative map or development plan. Changes to the project (1) are encouraged to improve its quality; and (2) may be required for formal project approval.

C. Concerns have been expressed about the Morgan Hill Unified School District (MHUSD) impaction situation and the fact that the rural character associated with the city is being lost to urban development that is outstripping the city's ability to provide adequate services and facilities. Also, a disproportionate amount of moderate to expensive single-family homes have been built, as opposed to a balance of housing types at prices to meet the needs of all the segments of the population, including those of low or fixed incomes. It is intended that a response to these concerns will be accomplished in a practicable manner through implementation of the residential development control system, which will concurrently address the preservation of open space and the natural environment. (Ord. 1034 N.S. § 1 (part), 1991)

18.78.182 Rate of growth.

The method by which controlled growth will be accomplished involves building approximately two hundred fifty* new dwelling units annually in order to reach a population not to exceed thirty-eight thousand eight hundred people by the year 2010.

* The number of building allotments authorized under the RDCS may be less than two hundred fifty units per year because of other housing which would be exempt from the RDCS (construction of single dwellings, etc.) (Ord. 1034 N.S. § 1 (part), 1991)

18.78.184 Procedures.

A. In June of each year preceding an allotment evaluation, the planning officer and planning commission will provide recommendations to the city council regarding the total number and distribution of building allotments. The city council will establish the total number of housing units to be awarded and the number of units to be allotted for each type of housing.

B. The planning officer will inform interested developers of the total number of units available and the various types of housing units that will be approved. The planning officer will hold a pre-competition meeting with all persons interested in submitting an application. The planning officer will explain the allotment process and distribute applications. At this meeting developers will be encouraged to indicate the proposed project location, the number of units, and the type of housing. This information will assist the city

and developers in providing better competition for the various types of housing units to be built under the RDCS process.

C. In an attempt to further increase the quality of project design, a voluntary preliminary review process shall be implemented. This review process shall have staff priority in the months of July, August and September whereby responses to these submittals shall be received within four weeks from the date of filing. These responses shall include, but not be limited to, the following: (1) Section A evaluation; (2) Section B evaluation, (3) any recommendations for project improvement; (4) any public health, safety and welfare issues; (5) any need for any additional information, plans or studies. (Ord. 1034 N.S. § 1 (part), 1991)

18.78.186 Overview.

A. The first section (Section 18.78.200) is concerned with the general ability of the city to provide major public facilities and services to new residential projects without creating additional impaction. This section is weighted heavily, meaning that a proposed project must obtain the minimum required points (nine points) and receive minimum passing scores under certain categories in order to proceed to the next step of the evaluation.

B. The next step, (Section 18.78.210) reflects the quality of the project design and the extent to which it contributes to the welfare of the community. The intent of these criteria is to encourage competition and to promote additional effort which creates innovative designs that satisfy user needs. The standards and criteria in Part 2 of this article are guidelines, and it is important to note that a developer is not precluded from improving upon or augmenting these guidelines, upon approval of the planning officer. Criteria for each category in Part 2 of this article are, therefore, more subjective and, thus, merely points out those items which the developer should consider to maximize his rating.

C. After successful completion of both Parts 1 and 2, the projects which have received at least nine points in Part 1 and have been given the most points in Part 2 (one hundred twenty-five points and over) with minimum passing scores in certain categories will then be eligible for allotments and subsequent building permits, subject to Section 18.78.120. Those that may not receive any allotment this year will have an opportunity to improve their designs and reapply during the next competition.

D. The procedure for allotting development allotments has been incorporated into this system. The development allotment evaluation encourages all developers to locate and design the best project possible by following standards and criteria for both Sections 18.78.200 and 18.78.210. (Ord. 1034 N.S. § 1 (part), 1991)

18.78.188 Additional information.

A. Project Size. Council priority is to give priority to partially completed projects. This policy will allow continuity to the allotment process. The portion of the uncompleted project competing in a competition should be equal to or superior in quality to the original project receiving an allocation. Project applications for over one hundred fifty units will be considered based on benefits to the community.

B. Public Notices. The council policy of notifying neighboring properties within three hundred feet of proposed projects is expanded to give a greater number of people notice by means of the utility bill inserts and notice on cable TV.

C. Review of Standards and Criteria. The planning commission shall review the standards and criteria each May, following an RDSCS competition, to determine whether any changes or amendments are necessary for the next competition, to begin each new allotment year, within sixty days after the awarding of allotments. (Ord. 1034 N.S. § 1 (part), 1991)

18.78.190 Evaluation--Standards and criteria.

Proposed developments found by the PO or city council to conform to the General Plan shall be evaluated by the PO and awarded points as hereinafter set forth. The planning commission shall establish a specific set of standards and criteria to direct the PO in assigning points under each category in Parts 1 and 2 of this article. The PO shall submit his evaluation to the planning commission and the commission shall approve, disapprove or modify the PO's evaluation by simple majority vote. (Ord. 1034 N.S. § 1 (part), 1991)

Part 1. Point System

18.78.200 Rating system for proposed developments.

Each proposed development shall be examined for its relation to and impact upon local public facilities and services. The appropriate city department or outside public agencies shall provide recommendations to the PO, and the PO shall rate each development by assigning from zero to two points for each of the following:

A. 1. "The capacity of the appropriate school to absorb the children expected to inhabit a proposed development without necessitating or adding to double sessions or other unusual scheduling or classroom overcrowding." (Written evaluation of the MHUSD.)

2. Each subdivision application shall be reviewed by the MHUSD for determination of impact on school classrooms and facilities. The MHUSD shall determine the potential number of children per household according to the district-wide average.

2 Points. Double sessions or unusual scheduling or classroom overcrowding do not exist, nor will the proposed subdivision create double sessions or unusual scheduling or classroom overcrowding.

1 or 1.5 Points. Double sessions or unusual scheduling or classroom overcrowding exist prior to the subdivision application, and mitigation measures result in fewer students on double session or unusual scheduling or classroom overcrowding.

0 Points. The proposed subdivision would create double sessions or unusual scheduling or classroom overcrowding. Double sessions or unusual scheduling or classroom overcrowding exist prior to the subdivision application, and mitigation would result in the same or a greater number of students on double sessions or unusual scheduling or classroom overcrowding (or in any way fails to meet the standards for one or two points).

B. 1. "The ability and capacity of the water system to provide for the needs of the proposed development without system extensions beyond those which the developer will consent to provide." (Comments of the director of public works.)

2. Each subdivision application shall be reviewed by the director of public works for determination of the ability and capacity of the water system to provide for the needs of the proposed development.

2 Points. the existing water system and improvements that upgrade water service and fire protection in the general neighborhood such as gridding, well, or booster pump, are provided as determined by the director of public works.

0 Points. The existing water system and improvements necessary for water service or fire protection will tax the existing system beyond the city's ability to provide adequate service.

C. 1. "The ability and capacity of the sanitary sewer distribution and treatment plant facilities to dispose of the waste of the proposed development without system extensions beyond those which the developer will consent to provide." (Comments from the director of public works.)

2. Each subdivision application shall be reviewed by the director of public works for determination of the ability and capacity of the sanitary sewer distribution and treatment plant facilities to dispose of the waste generated by the proposed development.

2 Points. Existing sewer lines and treatment plant have sufficient capacity to serve the project.

1 or 1.5 Points. Extension of existing sewer lines directly from the project, and the sanitary waste generated by the project which taxes the existing line capacity is mitigated as determined by the director of public works, and there is sufficient capacity in the treatment plant.

0 Points. The proposed development would adversely impact the existing line capacity or treatment plant, or the existing line capacity is insufficient to handle the waste generated by the proposed project (or in any way fails to meet the standards for one or two points).

D. 1. "The ability and capacity of the drainage facilities to adequately dispose of the surface runoff of the proposed development without system extensions beyond those which the developer will consent to provide." (Comments from the Santa Clara Valley Water District and the director of public works.)

2. Each subdivision application shall be reviewed by the director of public works and Santa Clara Valley Water District for determination of the ability and capacity of the drainage facilities to adequately dispose of the surface runoff of the proposed development.

2 Points. Local drainage generated by the project is capable of draining into existing storm drainage facility, or permanent public improvements to carry the runoff into a receiving drainageway which has sufficient capacity is provided.

1 or 1.5 Points. Local drainage generated by the project is mitigated by use of private on-site detention with higher value given for permanence, quality and guaranteed maintenance.

0 Points. Local drainage generated by the project is not capable of draining into the existing permanent storm drainage facility (or in any way fails to meet the standard two points).

E. 1. "The ability of the fire department of the city to provide fire protection according to the established response standards of the city without the necessity of establishing a new station or requiring addition of major equipment or personnel to an existing station, and the ability of the police department to provide adequate patrols for residential and traffic safety without the necessity of acquiring new equipment or personnel." (Comments from the fire and police departments.)

2. Each subdivision application shall be reviewed by the fire and police departments for the determination of the ability of the fire department to provide fire protection according to the established response standards and the ability of the police department to provide adequate patrols for residential and traffic safety. Proposed developments must be assigned a minimum of one point in this category to qualify under Part 1 of the evaluation.

2 Points. Fire protection response times are within the established response standards of the city. In addition, the project provides the basic required fire flow. The project adjoins existing developed land with proper road access for maximum efficiency of police patrols and fire service.

1 or 1.5 Points. Fire protection response times would meet the minimum response standards established by the city. The project will not require any additional stations, equipment or personnel. In addition, the project provides the basic required fire flow. The project is near existing developed land, and roads exist to facilitate the use of police patrols and fire service and the project can be considered in-filling. Consideration shall be given to the areas which have double fire protection coverage.

0 Points. The project cannot be served by the existing fire personnel within the required response established by the city without requiring additional stations, equipment or personnel. The project is beyond existing developed areas in the city and is not considered in-filling (or in any way fails to meet the standard for one or two points).

F. 1. "The ability and capacity of major street linkage to provide for the needs of the proposed development without substantially altering the existing street system (the desired target traffic level being no worse than "C" level service as defined in the 1985 Transportation Research Board Report # 209), and the availability of other public facilities (such as parks, playgrounds, etc.) to meet the additional demands for vital public services without extension of services beyond those provided by the developer." (Comments from the appropriate department heads.)

2. Each subdivision application shall be reviewed by the director of public works and parks and recreation director for determination of the ability and capability of major street linkage to provide for needs of proposed development and of the availability of other public facilities, such as parks and playgrounds, to meet the additional demands.

Proposed developments must be assigned a minimum of one point in this category to qualify under Part 1 of the evaluation.

2 Points. The project can be served by the existing parks and street systems, and the completion of the project will not overload any local, collector or arterial street in the immediate area.

1 or 1.5 Points. The project can be served by the existing parks and street systems as defined above, and if there are public off-site improvements, they are relatively minor and the project will not contribute to the need for major street improvements.

0 Points. Compliance to Chapter 17.28 of this code. The project cannot be served by the existing street system, and will contribute to the need for major off-site public improvements (or in any way fails to meet the standard for one or two points).

NOTE: Development may be evaluated on an individual basis on its ability to provide private recreational service for its residents that complement city services, i.e., trails, private open space, association facilities, etc. All proposed trails, private open space and associated facilities should be permanently secured with appropriate documentation at the time of development. (i.e., deeds, easements, C.C.& Rs., dedication, homeowners associations, etc.). Land that is set aside for the above mentioned items as a nonpermanent use, could dedicate all future development rights to the city. This procedure is to allow neighborhood control over land that may not be needed in the future (i.e., stormwater retention areas). (Ord. 1034 N.S. § 1 (part), 1991)

Part 2. Specific Standards and Criteria

18.78.210 Schools.

A. Point Range and Policies.

21	--	25	High quality
16	--	20	Above average
11	--	15	Average
6	--	10	Below average
0	--	5	Poor quality

1. "The provision of needed schoolrooms in the form of permanent or relocatable buildings or the provision of other mitigating measures as attested by agreement with the Morgan Hill Unified School District (MHUSD).

.....(25 points)"

2. Under the Schools Facilities Legislation of 1986, the previous Schools Standards and Criteria should be held in abeyance for use if the state program is terminated or if the MHUSD chooses not to participate in the program.

B. Standard and Criteria:

1. **Seventeen points** will be awarded for the payment of the district-adopted developer fees as provided by Government Code Section 66001, et seq.

2. Up to **three additional points** may be awarded to a project which:

a. Project is located sufficiently close to existing or designated future school sites that are not impacted by students and will not require busing to that school site (**up to two points**).

b. Provides within the development open space buffer areas adjacent to future planned developments (school, park sites etc.) where appropriate, and uses open space networks and walkways to help provide low maintenance pedestrian access to school sites from residential areas. (**one point**)

3. Up to **eight additional points** will be awarded to a project which elects to mitigate the student impact on schools created by the development by agreement with the district to furnish classroom, transportation or other equipment as determined by the district or provide a direct payment to the district in lieu of such equipment.

4. **Twenty-five points** will be awarded to a project which elects to participate in a Mello-Roos (Community Facilities) District where the district finances school facilities. The city shall approve the maximum amount to which funding from the district may be used for such school facilities.

C. Projects which receive up to **eight additional points** under subsection (B)(3), or **twenty-five points** under subsection (B)(4), will be deemed to satisfy the requirement of Section 18.78.104. (Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

18.78.220 Open space.

A. Point Range and Policies.

18	--	20	High quality
14	--	17	Above average
10	--	13	Average
5	--	9	Below average
0	--	4	Poor quality

1. "The provisions of public and/or private usable open space, and where applicable, greenbelts.

.....(20 points)"

2. The provisions of open space is desirable for the physical and mental well-being of the city residents, as well as preserving a rural atmosphere and invoking a positive reaction to the environment. These open spaces can then be used for both passive and active recreation for all age groups, while also preserving the environment for present and future generations to enjoy.

B. Standards and Criteria.

1. Open space areas are provided or maintained within the proposed development. **(A maximum of eight points will be assigned under this criteria.)**

a. Provides open space buffer areas adjacent to freeway or arterial streets **(two points)**;

b. Public or private common open space is encouraged where neighborhood homeowners associations or landscape and lighting assessment districts can be used to coordinate their use and maintenance **(four points)**;

c. Provides accessibility to open space areas where appropriate and encourages multiple uses and the fee dedication of open space areas adjacent to flood control right of ways **(two points)**;

d. Historical sites and landmarks are maintained in as natural state as possible with limited supportive development such as parking facilities, fencing, signing, etc. **(one point)**

2. Provides a high ratio of total open space area. **(A maximum of twelve points will be assigned under this criteria)**

<u>Building Coverage (%)</u>	<u>Points</u>
50	6
45	7
40	8
35	9
30	10
25	11
20	12

Building coverage is defined as that portion of the site, exclusive of driveways and streets, which is covered by a building, parking lot or carport.

If a project contains a density bonus for providing below-market rate (BMR) units, the ratio is to be calculated prior to receiving the density bonus. BMR housing with a density bonus is encouraged.

3. The commitment to purchase transferable development credits (TDCs) from property owners with land of greater than twenty percent slope will achieve an "average" rating of **twelve points** under this category. (Based upon the ratio of one TDC for every twenty-five dwelling units proposed.)

NOTE: In lieu of the TDC commitment, small projects and affordable project developments may achieve an average score of **twelve points** by paying an open space fee. The amount of the open space fee shall be based on the average cost per dwelling unit for an equivalent TDC commitment. The open space fee shall be adjusted annually based on the average purchase price for TDC's. (Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

18.78.230 Orderly and contiguous development.

A. Point Range and Policies.

18	--	20	High quality
14	--	17	Above average
10	--	13	Average
5	--	9	Below average
0	--	4	Poor quality

1. "The extent to which the proposed development accomplishes the orderly and continuous extension of existing development rather than "leapfrog" development, by using land contiguous to urban development within the city limits or near the central core and by the filling in on existing utility lines rather than extending utility collectors.

.....(20 points)"

2. A well planned community is one which provides for the needs of its residents. Convenience, economy, and service are aspects which an orderly and contiguous development pattern can help facilitate.

B. Standards and Criteria.

1. Develops lands near the central core of the city as defined by the planning officer (PO) at least every two years. There is a benefit for development to be within the central core area. However, it is recognized that the city does not have a well defined central core. Therefore, greater emphasis is to be given to contiguous patterns of growth. Projects within the core area will receive eight points. Projects located outside the core area will receive from one to seven points depending on their relationship to the core area as shown below:

- a. Within central core, eight points,
- b. Within one thousand, five hundred feet of the central core area, seven points;
- c. Within three thousand feet of the central core area, six points;
- d. Within four thousand, five hundred feet of the central core area, five points;
- e. Within six thousand feet of the central core area, four points;
- f. Within seven thousand, five hundred feet of the central core area, three points;
- g. Within nine thousand feet of the central core area, two points;
- h. Within ten thousand, five hundred feet of the central core area, one point;
- i. More than ten thousand, five hundred feet from core area, zero points.

Note: If any portion of a project is within the central core, as defined by the PO, that project shall be considered within the central core area. The distance from the central core shall be measured using the minimum distance between any portion of a parcel and the central core boundary measured in a straight line.

2. Fills in existing utility lines (requires no off-site extensions) and provides a contiguous pattern of growth. If water is available at the site and the water main is of sufficient capacity and supply to serve the proposed project and future development, the project will receive **two points**. If sewer is available to the site and the sewer main has sufficient capacity to serve the proposed project and future development, the project will receive **two points**. If storm drains are of sufficient capacity to serve the project and are available to the site, the project will receive **one point**.

3. A proposed development located within the existing urban service area which provides for orderly growth and urban in-fill is preferable and helps prevent premature urbanization of agricultural land. Projects that provide for orderly growth patterns throughout residential neighborhoods and compatibility with adjacent and nearby land uses are preferable. Projects that are located adjacent to land that has been developed or approved for development shall be scored as follows:

- a. 0 -- 25% Adjacent to existing development, **one point**
- b. 26 -- 37% Adjacent to existing development, **two points**
- c. 38 -- 50% Adjacent to existing development, **three points**
- d. 51 -- 62% Adjacent to existing development, **four points**
- e. 63 -- 75% Adjacent to existing development, **five points**
- f. 76 -- 87% Adjacent to existing development, **six points**
- g. 88 -- 100% Adjacent to existing development, **seven points**

Adjacent development is defined as contiguous property located within city limits and/or urban service area, excluding streets, which is developed to its ultimate potential according to the city's General Plan or zoning of the property, or at least substantially developed according to the General Plan or zoning. To be considered substantially developed, at least ninety-five percent of the contiguous land area must be committed or developed to its ultimate use.

Contiguous property committed to an ultimate land use such as a city park, developed school site, or private open space will also be considered as adjacent development. Open space lands which are owned in private must have a public open space easement recorded over the corresponding area. For scoring purposes, undeveloped property which has received final map approval or building permits have been issued shall be considered to be developed property.

The percentage of a property that is adjacent to development shall be that percentage of the combined length of the subject property lines which is determined to be contiguous to adjacent development as defined in this subsection. (Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

18.78.240 Public facilities.

A. Point Range and Policies.

9	--	10	High quality
7	--	8	Above average
5	--	6	Average
3	--	4	Below average
0	--	2	Poor quality

1. "The provision of needed public facilities such as critical linkages in the major street system, or other vital public facilities(10 points)"

2. The public facilities which serve the Morgan Hill area can benefit by discriminate development which improves the existing systems. Many areas exist where improvements to the systems are needed. A proposed project should help alleviate the problem rather than aggravate it.

B. Standards and Criteria. (Maximum ten points)

1. A project will receive **two points (three points for micro projects)** if it meets all standard requirements for design and construction of public facilities.

2. Installs public facilities of sufficient size to service the proposed development and future developments without the need to install supplemental facilities.

a. Grids water mains into the existing water system. **(two points)**

b. Storm drainage facilities provide proper interface with city-wide drainage system as determined by the Director of Public Works. **(two points max.)**

i. Drainage concept is consistent with the City's storm drain system. (e.g., the city's storm drain master plan, local area storm drain system). **(one point)**

ii. Storm drain is constructed entirely within the paved area of the street (curb to curb). **(one point)**

c. Storm drainage from the development is accommodated without the need for an on-site detention pond or open space retention areas. **(two points)**

d. Applicant will contribute one thousand dollars per unit to the off-site storm drain improvement fund in addition to payment of standard fees. **one point (two points for micro projects)**

e. Provides public facility improvements on or adjacent to the project in excess of standard requirements, e.g., sewer, traffic control. **(maximum four points)**

Under this criteria, the applicant needs to explain how and why the offered public improvements exceeds the city standards. The points awarded will be based on the extent in which the improvements exceeds the standard requirements relative to other projects in the competition. Emphasis will be placed on improvements on or adjacent to the project but consideration will also be given to projects that provide improvements within one mile beyond their project boundaries. **(one - four points)**

Applicant will contribute one thousand dollars per unit to the capitol improvements programs fund. **one point (two points for micro projects)**

NOTE: Proposed developments must be assigned a minimum passing score of five points under this category in order to qualify for building allotments. (Ord. 1124 N.S. § 1 (part), 1993; Ord. 1049 N.S. § 1, 1991; Ord. 1034 N.S. § 1 (part), 1991)

18.78.250 Parks and paths.

A. Point Range and Policies.

9	--	10	High quality
7	--	8	Above average
5	--	6	Average
3	--	4	Below average
0	--	2	Poor quality

1. "Provision of parks, foot or bicycle paths, equestrian trails or pathways.

.....**(10 points)**"

2. The Morgan Hill area has many natural amenities that should be made accessible to its residents. Access should be made readily available by using a variety of methods, including foot and bicycle paths, and equestrian trails. By providing the opportunities to experience the areas natural amenities, a healthier attitude towards caring for and preserving the environment will be encouraged.

B. Standards and Criteria.

1. Where appropriate as determined by the community development department, provides dedicated park land on or adjacent to the project. In lieu of dedicating land, the project developer can pay a fee to the city equal to the value of the land prescribed for dedication. The amount of park land dedication or in lieu fee must be consistent with the requirements contained in Chapter 17.28 of this code. **(five points)**

2. Provides privately owned and maintained on-site recreational facilities. The number and type of recreational amenities provided shall be consistent with the requirements contained in Section 18.18.060 and 18.18.070 of this title. **(three points)**

3. Provides on-site recreational amenities in excess of city requirements or pays double the required in lieu park fees. **(two points)**

4. Connects residential areas to open space, park and school sites or provides bicycle pathways or equestrian trails in accordance with the overall community-wide or county-wide pathway plans. **(two points)** (Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

18.78.260 Housing needs

A. Point Range and Policies.

13	--	15	High quality
10	--	12	Above average
7	--	9	Average
4	--	6	Below average
0	--	3	Poor quality

1. "Provision of units to meet the city's need for low and moderate income housing and the extent to which such provision meets the goals of the housing element of the general plan, including the distribution of housing types to provide neighborhoods of ethnic and economic diversity.

.....**(15 points)**"

2. The city has an obligation to provide adequate housing for all segments of the population in a variety of lot sizes and dwelling types. It must do this in a fashion which creates diversified neighborhood environments and income groups, avoiding concentrations of any single income group in one particular residential neighborhood. A neighborhood mix of ethnic and economic diversity, as required by the housing element of the general plan will therefore be encouraged.

B. Standards and Criteria.

1. Provides affordable housing units for households ranging from very low to moderate income. Most units sold or rented at below market rate will receive increased density;

2. Provides neighborhoods of ethnic and economic diversity by distributing various housing types, price ranges, lot sizes, and densities within the project;
3. The project will receive an average score (**eight points**) if it pays the standard housing mitigation fee computed at ten percent of the project.
4. To receive a high quality score a project must do one of the following:

10% Maximum-For Sale

P o i n t s	Provides for 10% BMR units LOW	Provides for 10% BMR units MEDIUM	Provides for 5% BMR units LOW	Provides for 5% BMR units MEDIUM	Allowable Density Bonus
15	10	0			10%
11	5	5			7%
7	0	10	5	0	4%
3			0	5	1%
8	Pay mitigation fee based on 10%				0
0	No mitigation				

10% Maximum-For Rent

P o i n t s	Provides for 10% BMR units VERY LOW	Provides for 10% BMR units LOW	Provides for 5% BMR units VERY LOW	Provides for 5% BMR units LOW	Allowable Density Bonus
15	10	0			10%
11	5	5			7%
7	0	10	5	0	4%
3			0	5	1%
8	Pay mitigation fee based on 10%				0
0	No mitigation				

(Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

18.78.270 Housing types.

A. Point Range and Policies.

13	-	15	High quality
10	-	12	Above average
7	-	9	Average
4	-	6	Below average
0	-	3	Poor quality

1. "The extent to which the proposed development itself consists of a diversity of housing types to meet the goals of the housing element of the general plan.

..... (15 points)"

2. In order to develop residential neighborhoods which have a mix of housing types, new residential construction should consider the existing composition of the neighborhood and plan its housing design accordingly. The proposed project can either contain a diversity of housing types within itself, or augment the existing housing stock by providing a particular type (or types) of housing that is presently lacking in that area.

B. Standards and Criteria

1. Provides for a diversity of housing types:

a. Utilizes a mix of the various housing categories to provide housing diversity as follows by housing type*:

i. Three or more housing types, **seven points**

ii. Two housing types, **five points**

iii. One housing type: ownership, **four points**; rental, **seven points**

* Housing Types are defined as follows:

- Single-family detached
- Single-family attached
- Multi-family rental or condominiums
- Custom lots
- Mobile homes
- Secondary dwelling units

For the above determination, a particular housing type must represent at least ten percent of the total number of housing units in the development.

2. Provides for an economic diversity within the project. The proposed project would augment the existing housing stock by providing housing which would be affordable under the income categories described below. At least ten percent of the total housing units in the development are affordable to one of the following income categories:

For Sale Projects

P o i n t s	Provides for 10% affordable units LOW	Provides for 10% affordable units MEDIUM	Provides for 5% affordable units LOW	Provides for 5% affordable units MEDIUM
4	10	0		
3	5	5		
2	0	10	5	0
1			0	5

For Rent Projects

P o i n t s	Provides for 10% affordable units VERY LOW/LOW	Provides for 10% affordable units LOW	Provides for 5% affordable units VERY LOW/LOW	Provides for 5% affordable units LOW
4	10	0		
3	5	5		
2	0	10	5	0
1			0	5

3. For single family/ownership projects, the proposed project provides for a variation of housing sizes within the project. The proposed project provides at least a fifty percent variation in house size from the smallest to largest floor plan and each house size represents at least ten percent of the total units **(four points)**. For purposes of making the above determination, there must be at least three (3) different floor plans and a two

hundred square foot difference between the size of each floor plan (less than two hundred square feet difference will be aggregated as one floor plan).

For multi-family projects, the variation will be based on number of bedrooms. A project which provides one bedroom units only, will receive **two points**. A project which provides one and two bedroom units, will receive **three points**. A project provides one, two, and three or more bedroom units, will receive **four points**. Each bedroom category must represent at least ten percent of the total units.

4. **Three points** may be awarded for the inclusion of secondary dwelling units for at least five percent of the housing units within the project. (Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

18.78.280 Quality of construction standards.

A. Point Range and Policies.

13	--	15	High quality
10	--	12	Above average
7	--	9	Average
4	--	6	Below average
0	--	3	Poor quality

1. "Architectural design quality as indicated by the quality of construction and by the architectural elevations of the proposed buildings, judged in terms of architectural style, size, and height.

..... (15 points)"

2. The proposed project should create buildings that are responsive to the needs of its users and the environment, while also accomplishing it in an appealing and attractive manner. The overall project design should be compatible and harmonious with existing adjacent residential neighborhoods and land uses, while still maintaining its own special character.

B. Standards and Criteria.

1. If a project is designed to meet existing codes, it will receive a score of six points.

2. Provides harmonious use of exterior building materials and varying front elevations with low repeat factors as follows:

a. Floor plan & elevation repeats 0 - 2 times: **three points**

- b. Floor plan & elevation repeats 3 - 4 times: **two points**
- c. Floor plan & elevation repeats 5 - 6 times: **one point**
- d. Floor plan & elevation repeats more than 6 times: **zero points**

For single family detached buildings, repeat factor is the number of floor plans times the number of alternate elevations for each plan, divided into the total number of lots, rounded to the nearest whole number.

For single-family attached or multi-family buildings, repeat factor is the number of structures (building containing more than one dwelling) times the number of alternate elevations for each structure, divided into the total number of structures, rounded to the nearest whole number.

3. Uses design and construction that conserve resources (**maximum of six points to be assigned under this criteria**):

a. Provides for energy conservation through the use of energy-efficient building techniques, materials, and appliances, such that the buildings consume less energy than allowed by California's Title 24 Building Energy Efficiency Standards, as documented in the energy compliance reports submitted at the time of application for building permits.

- i. Proposed energy use fifteen percent less than allowable: **three points**
- ii. Proposed energy use thirteen percent less than allowable: **two points**
- iii. Proposed energy use ten percent less than allowable: **one point**

b. Provides for household water conservation through innovative building techniques that result in reduced water waste, and which exceed current city and state standards. For example, recirculating hot water system with demand pumping, point of use water heaters, or other water saving plumbing systems or features. Applicant must be specific in describing how the proposed system exceeds code requirements. (**one point**)

c. Provides for reduction of air pollutant emissions through the use of gas log (non-wood burning) fireplaces, wood burning fireplace inserts with catalytic converters, pellet stoves, no fireplaces, etc. (**one point**)

d. Provides for reduction of household waste and yard waste: For single-family dwellings with individual trash pick-up, a built-in storage area is provided in each dwelling unit or garage for the city-provided recycling bin, and built-in bins are provided for other recyclables not collected by the city, and compost containers are provided in the rear yards; For multi-family projects and other projects with central trash collection facilities, a central recycling and collection station is provided at the trash collection location. (**one point**)

e. Provides a consistent level of architectural relief and detailing on all four building elevations. (**one point**)

f. Uses materials and construction techniques that exceed current building requirements of the Uniform Building Code adopted by the city. Applicant must be specific in describing how the proposed materials and construction exceed code. **(two points)** (Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

18.78.290 Lot layout and orientation.

A. Point Range and Policies.

13	--	15	High quality
10	--	12	Above average
7	--	9	Average
4	--	6	Below average
0	--	3	Poor quality

1. "Site design quality as indicated by lot layout, orientation of the units on the lots, and similar site design consideration.

..... **(15 points)"**

2. The overall project's site design quality is largely dependent upon the layout of the individual lots. Variations in lot sizes and configurations must take place to accommodate changes in natural terrain and street design, although this is not to be construed as meaning that areas of consistent terrain need not have lot variations. The variations in lot size, shape, and layout would encourage a corresponding variation in house designs and orientations. Site design will incorporate the utilization of the sun and wind to the greatest extent possible for heating and cooling purposes.

B. Standards and Criteria.

1. Provides good site design considerations in all lot layouts.

a. Avoids excessively deep or narrow lots, and provides side yards in excess of the minimum required to avoid crowding and to enhance spatial relationships. **(one point)**

b. Avoids excessive use of sharp angled lots which waste land and constitute poor building sites. **(one point)**

c. Desirable views, vistas and view corridors are preserved within and through the project by proper lot layout. **(one point)**

d. Avoids creating lots which require excessively long driveways for access. **(one point)**

- e. Designs lots and building orientations for solar utilization in heating and cooling. For purposes of solar access, streets, lots and building setbacks shall be designed so that three quarters of the buildings in the subdivision can be oriented with their front and back elevations in a north/south direction, with a possible variation of 22.5 degrees from true north in each direction. **(one point)**
- f. Utilizes innovative lot concepts such as zipper lots, zero line lots, etc. **(1 point)**
- g. A sufficient density transition is proposed in the site plan design to allow compatibility between existing and proposed neighborhoods. **(one point)**
- 2. Provides street design which complements lot layout and building orientation
 - a. Locates streets and arranges units to provide access to and front on open space, parks and water ways within or adjacent to the project. **(one point)**
 - b. Locates streets and arranges units to enhance neighborhood security by arranging a minimum of 75 percent of the units so that entrances are visible from the public right of way or private circulation areas. **(one point)**
- 3. Provides a variety of setbacks which complements the overall site design.
 - a. Designs lots and buildings with increased setbacks from noise sources. **(two points)**
 - b. A minimum five-foot front setback variation for single-family dwellings, and four-foot front setback variation for multi-family dwellings is provided between adjoining units. **(one point)**
 - c. Each unit provides a minimum two foot variation in the side yard setback and four-foot variation in the rear yard setback. **(one point)**
- 4. Makes effective use of density.
 - a. Uses innovative site design techniques such as clustering. **(one point)**
 - b. The proposed project provides at least a four foot variation in standard lot widths (excluding cul-de-sac lots) and each lot width represents at least ten percent of the total lots. For purposes of making the above determination, there must be at least three different standard lot widths and at least a four foot difference in the width of each standard lot. **(one point)** (Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

18.78.300 Circulation efficiency

A. Point Range and Policies.

13	--	15	High quality
10	--	12	Above average
7	--	9	Average
4	--	6	Below average
0	--	3	Poor quality

1. "Site and architectural design quality as indicated by the arrangement of the site for efficiency of circulation, on-site and off-site traffic safety and privacy.

..... (15 points)"

2. An efficient circulation system is one which accommodates various regular transportation modes (walking, biking, private automobile and public transit) in a safe and unified manner. Future residential areas should incorporate design elements whenever possible to make these forms of transportation more convenient and safe for the users.

B. Standards and Criteria.

1. Provides low-maintenance on-site walkways and on-site bike paths throughout the development to maximize their use and promote safety. This criteria does not apply to city standard sidewalks. **(one point)**

2. Encourages the use of public transportation in residential areas by constructing bus shelters, benches, reinforced street sections or bus pullout areas **and** these improvements are located on an approved county transit route and accepted by county transit for maintenance. A letter from county transit shall be submitted confirming the county's acceptance and maintenance of the proposed bus stop. **(one point)**

3. Streets and parking are designed for safe, efficient circulation. **(Maximum nine points will be assigned under this criteria)**

a. Local streets or access-ways are designed to discourage fast through traffic using curvilinear roads or traffic control devices. **(two points)**

b. Provides for the future extension of streets for proper access or circulation to adjacent properties by providing a stub for the future extension of a street. The future street extension may not be inconsistent with the General Plan or other adopted circulation plans. **(two points)**

c. Project provides looping streets. **(one point)**

d. Eliminates existing and substandard half streets or completes or provides full street improvements adjacent to the project frontages. **(one point)**

- e. Avoids short blocks. A short block is considered to be less than two hundred sixty feet from centerline to centerline of streets. **(one point)**
- f. Uses circulation designs that can provide for adequate traffic flow and parking standards, but reduces amount of paving required. **(one point)**
- g. Parking access is from local streets rather than arterial or collector roads. **(one point)**
- h. When possible, two points of access are provided onto separate streets. If two points of access are not possible, there must be a minimum of two hundred feet between access points. **(one point)**
- i. Project provides circulation to facilitate emergency response and patrol as determined by the fire chief and police chief. The project shall meet all city standards for street width, turn-arounds, secondary access, parking, and maximum cul-de-sac length. The entire cul-de-sac should be visible from the nearest through street and off-set intersections should be avoided. The project shall include specific information to provide for turn-arounds and secondary access proposal for phased projects. **(two points)**
- j. Uses common driveways where appropriate to reduce driveway cuts. **(one point)**
- 4. Promotes the privacy of residential neighborhoods.
 - a. Residential street layouts are designed for use primarily by local residents. **(one point)**
 - b. Street layouts are designed to avoid the creation of undesirable situations such as double frontages, utility easements in rear or side yards of private property, or remanent property. **(one point)**
- 5. Provides for dedication and improvement of extensions to existing streets outside of the project boundaries. **(Maximum two points)**
 - a. Provides for dedication of extensions to existing streets outside of the project boundaries. **(one point)**
 - b. Provides improvements for dedicated extensions of existing streets outside of the project boundaries. **(one point)**
 - c. Provides dedication and improvement of street extensions for existing streets outside of the project boundaries. **(two point)**

NOTE: Proposed developments must be assigned a minimum passing score of seven points under this category in order to qualify for building allotments. (Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

18.78.310 Safety and Security

A. Point Range and Policies.

5	High quality
4	Above average
3	Average
2	Below average
0 -- 1	Poor quality

1. "Site and architectural design quality as indicated by the amount of private safety and security provided in the design of the individual structures.

.1.....(5 points)"

2. Residential structures should create the feeling of comfort and peace of mind by using design and materials that increase safety and security. The lighting, glazing, and positioning of non-private or semi-private areas, and access areas must facilitate their natural surveillance by residents and formal authorities.

B. Standards and Criteria.

1. Enhances safety and security by providing at least two items from category I, two items from category II, and two items from category III: (five points total)

a. Category I: Fire--Minimum two items. (one point)

i. Provide fire escape ladders for upper floor bedrooms.

ii. Provide one mounted fire extinguisher (rated 2A10BC) for each 3,000 square foot of floor space.

iii. Any other fire protection device or construction technique approved by the fire chief.

b. Category II: Police--Minimum two items. (one point)

i. Provide outdoor lighting to meet all police department specifications.

ii. Install illuminated or self luminous address numbers for each unit and painted curb numbers where possible.

iii. Any other intrusion protection device or construction technique approved by the police chief.

c. Category III: Police and Fire--Minimum of two items. (three points)

2. Fire Department

a. Use of noncombustible siding materials on at least fifty percent of the units within the project. The noncombustible siding must be used on at least fifty percent on an individual unit.

b. Installation of class A roofing material on all units within the project.

3. Police Department
 - a. Installation of an intrusion and fire alarm system to be monitored by a central station, or to include auto dialer which meets city ordinance. Intrusion alarms to provide supervision of all doors and windows. Fire sprinkler flow switch to be supervised by the system.

NOTE: Proposed developments must be assigned a minimum passing score of three points under this category in order to qualify for building allotments. (Ord. 1124 N.S. § 1 (part), 1993; Ord. 1049 N.S. § 2, 1991; Ord. 1034 N.S. § 1 (part), 1991)

18.78.320 Landscaping, screening and color.

A. Point Range and Policies.

9	--	10	High quality
7	--	8	Above average
5	--	6	Average
3	--	4	Below average
0	--	2	Poor quality

1. "Site and architectural design quality as indicated by the amount and character of landscaping and screening and color of buildings.

..... (10 points)"

2. All trees, shrubs, ground cover, walls and fences, mounding, landscape furniture, paths, lighting, etc., should be compatible with the topography and other characteristics of the site, the character of adjacent quality landscaping, and the architectural features of adjacent structures. Efficiency in exterior design and landscaping is an important part of the character of a home. A gain can be made in terms of heating and cooling, noise abatement and pest control. The functions of plants should be the basis for their use in environmental design.

B. Standards and Criteria. (Maximum ten points)

1. Uses landscaping techniques that enhance the quality of the site.
 - a. Applicant agrees to provide twenty-four inch box-size oak trees, with a minimum height of nine feet and a spread of three to four feet. The box-size oak trees will be provided within the development at a ratio of one box-size oak tree per ten trees provided with the landscape area to be installed by the developer. The one oak per ten trees calculation does not include street trees. (one point)

b. Uses earthen berms, walls or landscape to delineate the use of spaces, provide privacy, reduces noise pollution, controls winds, frame views and offers aesthetics both within and outside of the project. **(one point)**

c. Provides sufficient planting around all group parking, trash and storage areas to achieve shading and visual screening as viewed from the public street. **(one point)**

d. Varied front yard landscaping plans are installed by the developer. **(one point)**

e. Deciduous trees will be planted along the south facing, front or rear side of homes or buildings to conserve energy by giving shade in the summer and maximum solar gain in the winter. **(one point)**

2. Landscape planting and irrigation systems are designed to conserve water usage.

a. Drought tolerant tall fescue blend or hybrid bermuda grasses are used for lawn areas and no more than twenty-five percent of the landscape area is covered with lawn. The twenty-five percent lawn coverage calculation is exclusive of landscape area within parks. **(one point)**

b. Automatic irrigation systems utilize separate valves and circuits for trees; shrubs and groundcovers; and lawn areas. Minimum of three separate valves required. **(one point)**

c. Water conserving irrigation system is used within the development, i.e., drip irrigation. **(one point)**

d. The landscape to be installed by the developer will include hardscape coverage such as decorative paving, wood decking, decorative stone and similar non-irrigated areas on at least fifteen percent of the landscape area. Pedestrian walkways across circulation aisles are not included in this item. **(one point)**

e. Uses water conserving plants contained on the Selected Plant List, Appendix A of the City Water Conservation Landscape Guide. **(one point)**

3. Landscaping is installed on all areas visible from public and private rights-of-way. **(two point)** (Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

Natural and environmental features

18.78.330 Natural and environmental features.

A. Point Range and Policies.

13	--	15	High quality
10	--	12	Above average
7	--	9	Average
4	--	6	Below average
0	--	3	Poor quality

1. "Site design quality in adapting the development to the setting, including the preservation of vegetation, trees, natural terrain, and other natural and environmental features.

.....(15 points)"

2. The proposed development should always adapt itself to the environment rather than vice-versa. The residences and supportive infrastructure shall be designed with nature in mind, by following the natural form of the land, preserving unique natural features and environmentally sensitive areas, arranging building sites around existing trees, and "blending in" the development to the surroundings.

3. A high quality project is one that uses what is available but also improves the total environment for the people who live within and nearby.

B. Standards and Criteria.

1. The proposed development utilizes environmental preservation techniques.

a. Foundation types are designed to minimize grading of the site. Minimal grading is considered a fill or excavation of less than three feet in depth. **(three points)**

b. Clusters dwelling units to restrict the amount of runoff caused by impervious surfaces and the covering of land area suitable for percolation where applicable. **(one point)**

c. Road alignment follows and maintains the existing ground elevation to the greatest extent possible. For example, a change in ground elevation where it is not required. **(one point)**

d. Each building site is located considering the folds of the terrain, preserves trees and rock outcroppings but also allows enough flexibility in the final location of the final house design to fit the house to individual trees and detailed grade characteristics. **(two points)**

e. Considers, preserves or improves natural conditions on the site such as wildlife habitats, streams, creeks (Llagas, Little Llagas, and Coyote creeks) when appropriate and preserves riparian habitats in a natural state. **(two points)**

2. The proposed development creates an environment that enhances the quality of life for the people who live in the development and the local neighborhood.

a. Uses design and construction techniques that reduce noise. **(two points)**

b. Uses design and layout techniques that give individuals maximum privacy within and outside the homes. Such techniques include the off set of windows between units, alternating outdoor patio areas and entrance and consideration of fence height in relation to grade changes. **(two point)**

c. Uses various RPD development practices such as clustering of housing and low density development where appropriate to protect the open space value of key areas such as ridgelines, creeks, hillsides and agricultural land. **(two points)**

d. Arranges buildings, access-ways and locates parking areas and open space to minimize the use of sound walls next to the freeway, arterial or collector streets. **(2 points)**
(Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

Article III. Procedure for Micro Project Completion

18.78.340 Eligible projects.

An eligible project is any type of residential development consisting of a maximum of four dwelling units. A project must also be located on a site which represents the ultimate or finite development potential of the property. In order to be considered as ultimate development, no further subdivision and/or residential development of the property would be possible pursuant to the general plan and this title. The only exception to this limitation would be the construction of a secondary dwelling unit on a single-family lot. (Ord. 1034 § 1 (part), 1991)

18.78.350 Filing periods.

Applications for development allotment evaluations shall be filed with the community development department on April 1st and October 1st of each calendar year. (Ord. 1034 § 1 (part), 1991)

18.78.360 Planning officers' review.

The planning officer shall review each application to determine whether or not the proposed development conforms to the city's general plan, Title 17 and this title's requirements. If the planning officer determines that a proposed development does not conform to the general plan, Title 17 and this title, the application shall be rejected. If the application is rejected, an applicant may appeal the planning officer's determination in the manner prescribed in Section 18.78.100(B) of this chapter. (Ord. 1034 § 1 (part), 1991)

18.78.370 Evaluation--Standards and criteria.

A. Projects will be evaluated according to the standards and criteria contained in Sections 18.78.200 through 18.78.330 of this chapter.

B. In order to be eligible for building allotments, a project must receive at least nine points in Part 1 and one hundred twenty-five points in Part 2 of the allotment evaluation. Those that fail to receive a minimum passing score will have the opportunity to improve their designs and reapply during the next competition.

C. To provide a more streamlined process, each micro project application shall be evaluated by the planning officer. The Part 1 criteria shall be applied in the manner consistent with the provisions contained in Section 18.78.200 of this chapter. However, under Part 2 of the evaluation, each micro project shall be assigned the following minimum scores:

Category	Minimum Score
Schools	17
Open space	12
Orderly and contiguous	2
Public facilities	5
Parks and paths	5
Housing needs	8
Housing types	12
Quality of construction	8
Lot layout and orientation	9
Circulation efficiency	8
Safety and security	3
Landscaping	7
Natural and environmental	8
Total	104

D. The planning officer shall examine each proposed development and shall rate each development by the assignment of no more than the maximum number of points allowable on each of the following categories: schools, open space, orderly and contiguous, public facilities, parks and paths, housing needs, quality of construction and safety and security. The difference between the minimum score provided above, and the maximum score assigned in each of the aforementioned categories, shall determine a project's rating and eligibility for building allotments. In the event that two or more projects receive an equal number of points, the planning officer shall evaluate each project according to the remaining categories.

E. The planning commission shall review the planning officer's evaluation when the number of residential units in proposed developments exceeds the number of allotments authorized for the competition. (Ord. 1034 § 1 (part), 1991)

18.78.380 Award of allotments.

A. Proposed developments which have received a minimum of one hundred twenty-five points under Section 18.78.120 may be awarded an allotment for the following fiscal year (April competition) or current fiscal year (October competition). Where the number of residential units in proposed developments which have received the required number of points for a development allotment evaluation exceed the numerical limits established by the city council, the available allotments shall be awarded by the planning commission on the basis of the number of points received in Section 18.78.120 starting with the proposed developments receiving the most evaluation points and proceeding in order down the list until the numerical limit established by the council has been reached. Where allotments are made on the basis of a comparative standing on the list, any applicant who has received the required minimum number of points, but who is not high enough on the list to receive a development allotment, may appeal the matter of allotment evaluation to the city council.

B. Proposed developments which have received the required number of points for a development allotment in the April competition, but were not high enough on the list to receive an award, will be reconsidered for a development allotment in the October competition. The award of allotments shall be determined on the basis of the point score received in the April competition and the comparative standing on the list of projects in the October competition. Proposed developments which do not receive a development allotment in the October competition must submit a new application for the April or October competitions for the next fiscal year.

C. Where the number of residential units in proposed developments which have received the required number of points for a development allotment evaluation are less than the numerical limits established by the city council, the available allotments shall be awarded by the planning officer in order of applications received. An open filing period shall then be established and any unused allotments shall be awarded to projects in order of applications received, provided the new projects have received the required minimum score of nine points under Part 1 and one hundred twenty-five points under Part 2 in separate evaluations. Any unused allotments from the April competition (for the next fiscal year) may carry over to the October competition. However, any unused allotments from one fiscal year's competitions may not be carried over to the next fiscal year's competitions. (Ord. 1034 § 1 (part), 1991)

18.78.390 Distribution of allotments.

The total allotments shall be distributed on the basis of points received and without regard to any particular geographical distribution. However, the total number of allotments established by the city council for a given competition shall be subtracted from the one-third of the total allotments which may be distributed without regard to the east/west distribution as provided in Section 18.78.030(C) of this chapter. Based on the results of the RDCS competition for larger project developments, the total number of allotments in the micro projects competition may be subtracted from the one-third of the total allotments east of Monterey Road and the one-third of the total allotments west of Monterey Road. A final determination on the distribution of allotments shall be approved by the city council prior to the April competition. (Ord. 1034 § 1 (part), 1991)

18.78.400 Appeal procedure.

A. An applicant may appeal the planning officer's evaluation to the planning commission, or the planning commission's evaluation to the city council by filing a written notice of appeal with the community development department within ten days after the notice of evaluation has been mailed.

B. In the event an appeal of the planning officer's evaluation is filed, the planning officer shall place the matter on the next available agenda for a regular planning commission meeting. The planning commission shall consider the appeal at such regular meeting at which time the commission will hear the applicant or his representative and such other persons as may be able to assist the commission in the determination of the matter on appeal. The commission may affirm or modify the allotment evaluation. The planning commission's evaluation may be appealed to the city council in the manner prescribed under Section 18.78.130 of this chapter. (Ord. 1034 § 1 (part), 1991)

18.78.410 Development allotment application.

A. An application for a development allotment shall be made to the community development department on a form provided by the city. Such application shall contain the following information and be accompanied by the documents:

1. Uniform Application.
- a. Five sets of submittal plans,
- b. Current title report,

- c. Filing fees;
- 2. Site Development Plan.
 - a. Scale, engineering scale not to exceed one inch equals forty feet,
 - b. Small inset vicinity map to show the relationship of the proposed development to adjacent development, the surrounding area and the city,
 - c. A plan showing general lot layout, general lot sizes, typical lot dimensions, general notes and information; show storm drainage routes and lines, and areas for stormwater retention,
 - d. Include street alignments showing coordination with city streets and proposed rights-of-way; the plan should also show proposed public works improvements,
 - e. Show proposed planting areas, park areas, and any other proposed uses,
 - f. Include the name, address and telephone number of the applicant, architect and/or engineer; also a graphic scale and north arrow;
- 3. Preliminary Architectural Plans.
 - a. Scale, architectural scale no less than one-quarter-inch,
 - b. Provide front elevations, basic floor plans, and range of possible square footage for all models within the project,
 - c. Indicate on the plans the type of housing provided, i.e., multifamily, BMR, senior, single-family, etc.,
 - d. Provide illustrative building elevations showing all sides of one typical model and front elevations of other buildings within the proposed development;
- 4. Project Narrative Questionnaire: submit three copies of the completed project narrative questionnaire;
- 5. Plan Preparation Guidelines.
 - a. All plans shall be drawn on uniform sheets no greater than twenty-four inches by thirty-six inches, or as approved by the community development director prior to submittal,
 - b. All plans shall be stapled together along the left margin,
 - c. All plans shall be folded into one-eighth sections or folded in such a manner that the size does not exceed nine inches by twelve inches,
 - d. All plans shall be clear, legible and accurately scaled.
- B. Each application shall be accompanied by a reasonable fee set by the city council as prescribed in Section 18.78.090(B) of this chapter. (Ord. 1034 § 1 (part), 1991)

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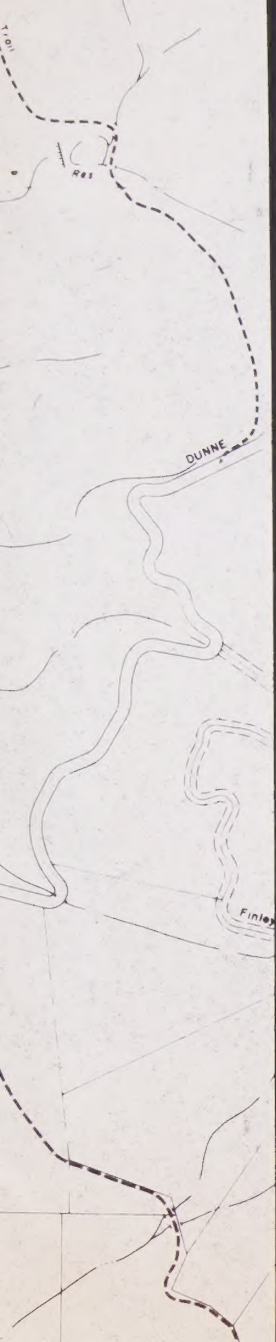
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City of
Morgan Hill

zoning map



Map

